

3-17-2010

State v. Johnson Clerk's Record v. 1 Dckt. 36932

Follow this and additional works at: https://digitalcommons.law.uidaho.edu/idaho_supreme_court_record_briefs

Recommended Citation

"State v. Johnson Clerk's Record v. 1 Dckt. 36932" (2010). *Idaho Supreme Court Records & Briefs*. 2647.
https://digitalcommons.law.uidaho.edu/idaho_supreme_court_record_briefs/2647

This Court Document is brought to you for free and open access by Digital Commons @ UIIdaho Law. It has been accepted for inclusion in Idaho Supreme Court Records & Briefs by an authorized administrator of Digital Commons @ UIIdaho Law. For more information, please contact annablaine@uidaho.edu.

LAW CLERK

Vol

1 of 1

IN THE
SUPREME COURT
OF THE
STATE OF IDAHO

State of Idaho.

PLAINTIFF/RESPONDENT

Vs.

Dawn Marcel Johnson.

DEFENDANT/APPELLANT

Appealed from the District Court of the Fifth
Judicial District for the State of Idaho,
in and for Cassia County
Honorable Michael R. Crabtree, District Judge

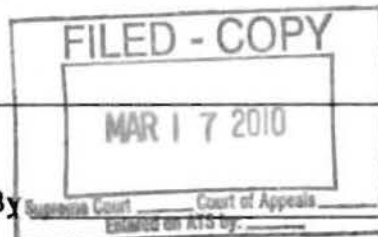
Lawrence Wasden

Attorney for Plaintiff/Respondent

Molly Huskey

Attorney for Defendant/Appellant

Filed this ____ d ay of _____, 2010



____ Clerk

By

____ Supreme Court ____ Court of Appeals
Entered on RTS by: ____

____ Deputy

1 of 2

COPY
36932

**IN THE SUPREME COURT
OF THE STATE OF IDAHO**

| | | |
|-----------------------|---|-------------------------------------|
| State of Idaho |) | |
| |) | |
| Plaintiff/Respondent, |) | District Court No. CR 2008-1984 |
| |) | |
| Vs. |) | |
| |) | Supreme Court Docket No. 36932-2009 |
| Dawn Marcel Johnson |) | |
| |) | |
| Defendant/Appellant, |) | |
| |) | |
| |) | |

CLERK'S RECORD ON APPEAL

**APPEAL FROM THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF CASSIA**

**THE HONORABLE MICHAEL R. CRABTREE
DISTRICT JUDGE**

Lawrence Wasden
Attention: Appellate Unit
700 West Jefferson Street
Boise ID 83720-0010

Molly Huskey
State Appellate Public Defender
3647 Lake Harbor Lane
Boise ID 83703

TABLE OF CONTENTS

State of Idaho vs. Dawn Marcel Johnson
District Court Case No. CR-2008-1984*D
Supreme Court Case No. 36932-2009

| DOCUMENT NAME | DATE FILED | PAGE NO. |
|--|------------|----------|
| Table of Contents | | 02 |
| Index | | 06 |
| ROA | | 12 |
| Criminal Complaint | 04/07/2008 | 21 |
| Affidavit in Support of Criminal Complaint | 04/04/2008 | 24 |
| Warrant of Arrest | 04/04/2008 | 29 |
| Order and Notice of Hearing | 04/15/2008 | 30 |
| Arraignment 1 st Appearance | 04/21/2008 | 31 |
| Order and Notice of Hearing | 04/21/2008 | 32 |
| Amended Criminal Complaint | 05/02/2008 | 33 |
| Arraignment 1 st Appearance | 05/16/2008 | 36 |
| Court Minutes | 05/16/2008 | 37 |
| Order and Notice of Hearing | 05/16/2008 | 38 |
| Order and Transmittal to the District Court | 06/27/2008 | 39 |
| Court Minutes | 06/27/2008 | 40 |
| Information for the Crime of: Count I, Trafficking of a Controlled Substance Count II, Possession of a Controlled Substance Count III, Misdemeanor Possession of Drug Paraphernalia | 07/01/2008 | 42 |
| TABLE OF CONTENTS | | |

TABLE OF CONTENTS

State of Idaho vs. Dawn Marcel Johnson
District Court Case No. CR-2008-1984*D
Supreme Court Case No. 36932-2009

| DOCUMENT NAME | DATE FILED | PAGE NO. |
|---|------------|----------|
| Motion for No Contact Order | 07/01/2008 | 45 |
| Court Minutes | 07/15/2008 | 47 |
| No Contact Order (Andrew Hitt), (Sylvia Olsen), (Sidney Chad Fridal) | 07/15/2008 | 49 |
| Pre-trial Scheduling Order and Notice of Hearing: Pre-trial Conference | 07/15/2008 | 55 |
| Motion for Preparation of Transcript | 08/15/2008 | 61 |
| Order for Preparation of Transcripts | 08/18/2008 | 63 |
| Motion to Continue Hearing | 09/29/2008 | 65 |
| Order to Continue Hearing – PTC | 09/29/2008 | 67 |
| Court Minutes | 09/30/2008 | 69 |
| Order Discharging Public Defender | 09/30/2008 | 70 |
| Court Minutes | 10/15/2008 | 72 |
| Pre-trial Scheduling Order and Notice of Hearing | 10/15/2008 | 73 |
| Court Minutes | 11/18/2008 | 79 |
| Order Amending Conditions of Release Bond | 11/20/2008 | 81 |
| Affidavit of Ami Pena (UA Results) | 11/25/2008 | 85 |
| Affidavit Re: Condition of Defendant's Release | 11/28/2008 | 99 |
| Motion to Revoke Bond | 11/28/2008 | 101 |
| Court Minutes | 12/12/2008 | 103 |

TABLE OF CONTENTS

State of Idaho vs. Dawn Marcel Johnson
District Court Case No. CR-2008-1984*D
Supreme Court Case No. 36932-2009

| DOCUMENT NAME | DATE FILED | PAGE NO. |
|---|------------|----------|
| Order Denying State's Motion to Revoke Bond | 12/15/2008 | 104 |
| Motion to Suppress | 12/17/2008 | 106 |
| Motion to Compel | 12/17/2008 | 108 |
| Motion to Limine | 12/26/2008 | 110 |
| Court Minutes | 01/05/2009 | 112 |
| Motion to Revoke Bond | 01/15/2009 | 114 |
| Court Minutes | 01/27/2009 | 118 |
| Order Revoking Bond | 01/28/2009 | 119 |
| Motion to Set Aside Notice of Bond Forfeiture and Reinstatement Bail Bond | 01/29/2009 | 121 |
| Ex Parte Bail Bond Forfeiture Order | 01/29/2009 | 124 |
| Memorandum Decision Denying in Part and Granting in Part Defendant's Motion to Suppress | 01/29/2009 | 127 |
| Court Minutes | 02/02/2009 | 138 |
| Order Denying Motion to Set Aside Notice of Bond Forfeiture and Reinstatement Bail Bond | 02/02/2009 | 139 |
| Court Minutes | 02/03/2009 | 141 |
| Pre-trial Scheduling Order and Notice of Hearing: Pre-trial Conference and Jury Trial | 02/03/2009 | 144 |
| Motion for Bond Reduction | 02/03/2009 | 150 |
| Notice of Hearing on Motion for Bond Reduction | 02/03/2009 | 152 |
| Court Minutes | 02/04/2009 | 154 |

TABLE OF CONTENTS

State of Idaho vs. Dawn Marcel Johnson
District Court Case No. CR-2008-1984*D
Supreme Court Case No. 36932-2009

| DOCUMENT NAME | DATE FILED | PAGE NO. |
|---|------------|----------|
| Motion to Set Aside Notice of Bond Forfeiture and Reinstatement Bail Bond | 02/04/2009 | 155 |
| Order to Set Aside Notice of Bond Forfeiture and Reinstatement Bail Bond | 02/04/2009 | 157 |
| Order Denying Defendant's Motion for Bond Reduction | 02/05/2009 | 159 |
| Return of Bench Warrant | 02/05/2009 | 161 |
| Court Minutes | 02/24/2009 | 163 |
| Voir Dire | 03/04/2009 | 183 |
| Jury Roll Call | 03/04/2009 | 217 |
| Peremptory Challenge | 03/04/2009 | 222 |
| Jury Panel (Seating Chart) | 03/04/2009 | 223 |
| Preliminary Jury Instructions | 03/04/2009 | 224 |
| Final Jury Instructions | 03/04/2009 | 235 |
| Verdict Form | 03/04/2009 | 258 |
| Order for Presentence Report and Evaluations | 03/04/2009 | 260 |
| Order of Commitment | 03/04/2009 | 261 |
| Notice of Hearing and Order for Defendant to Appear | 03/04/2009 | 262 |
| Amended Order for Commitment | 03/05/2009 | 263 |
| Court Minutes | 03/09/2009 | 264 |
| Motion to Reinstate Bond and Release Defendant | 03/20/2009 | 266 |

TABLE OF CONTENTS

State of Idaho vs. Dawn Marcel Johnson
District Court Case No. CR-2008-1984*1D
Supreme Court Case No. 36932-2009

| DOCUMENT NAME | DATE FILED | PAGE NO. |
|--|------------|----------|
| Court Minutes | 03/27/2009 | 268 |
| Order Denying Defendant's Motion to Reinstate Bond | 03/30/2009 | 269 |
| No Contact Order Validation | 06/22/2009 | 271 |
| Order to Continue and Notice of Hearing | 07/01/2009 | 272 |
| Court Minutes | 07/09/2009 | 273 |
| Judgment of Conviction and Order of Commitment | 07/09/2009 | 275 |
| Order of Restitution | 09/09/2009 | 279 |
| Order Re: Restitution | 07/28/2009 | 281 |
| Notice of Appeal | 08/14/2009 | 283 |
| Motion to Appoint State Appellate Public Defender and to Proceed in Forma Pauperis | 08/14/2009 | 287 |
| Order Appointing State Appellate Public Defender and to proceed in Forma Pauperis | 08/17/2009 | 289 |
| Ex Parte Order to Unseal and Copy PSI Report | 10/07/2009 | 291 |
| Amended Notice of Appeal | 1/19/2009 | 293 |
| Motion for Correction or Reduction of Sentence | 11/13/2009 | 300 |
| Motion to Proceed in Forma Pauperis | 11/13/2009 | 307 |
| Motion for Appointment of Counsel | 11/13/2009 | 311 |
| Objection to Defendant's Motion to Reconsider | 11/16/2009 | 316 |
| Order Denying Defendant's Motion to Reconsider | 12/08/2009 | 318 |

INDEX

State of Idaho vs. Dawn Marcel Johnson
District Court Case No. CR-2008-1984*D
Supreme Court Case No. 36932-2009

| DOCUMENT NAME | DATE FILED | PAGE NO. |
|--|------------|----------|
| Affidavit in Support of Criminal Complaint | 04/04/2008 | 24 |
| Affidavit of Ami Pena (UA Results) | 11/25/2008 | 85 |
| Affidavit Re: Condition of Defendant's Release | 11/28/2008 | 99 |
| Amended Criminal Complaint | 05/02/2008 | 33 |
| Amended Notice of Appeal | 1/19/2009 | 293 |
| Amended Order for Commitment | 03/05/2009 | 263 |
| Arraignment 1 st Appearance | 04/21/2008 | 31 |
| Arraignment 1 st Appearance | 05/16/2008 | 36 |
| Court Minutes | 05/16/2008 | 37 |
| Court Minutes | 06/27/2008 | 40 |
| Court Minutes | 07/15/2008 | 47 |
| Court Minutes | 09/30/2008 | 69 |
| Court Minutes | 10/15/2008 | 72 |
| Court Minutes | 11/18/2008 | 79 |
| Court Minutes | 12/12/2008 | 103 |
| Court Minutes | 01/05/2009 | 112 |
| Court Minutes | 01/27/2009 | 118 |

INDEX

State of Idaho vs. Dawn Marcel Johnson
District Court Case No. CR-2008-1984*D
Supreme Court Case No. 36932-2009

| DOCUMENT NAME | DATE FILED | PAGE NO. |
|--|------------|----------|
| Court Minutes | 02/02/2009 | 138 |
| Court Minutes | 02/03/2009 | 141 |
| Court Minutes | 02/04/2009 | 154 |
| Court Minutes | 02/24/2009 | 163 |
| Court Minutes | 03/09/2009 | 264 |
| Court Minutes | 03/27/2009 | 268 |
| Court Minutes | 07/09/2009 | 273 |
| Criminal Complaint | 04/07/2008 | 21 |
| Ex Parte Bail Bond Forfeiture Order | 01/29/2009 | 124 |
| Ex Parte Order to Unseal and Copy PSI Report | 10/07/2009 | 291 |
| Final Jury Instructions | 03/04/2009 | 235 |
| Index | | 06 |
| Information for the Crime of: Count I, Trafficking of a Controlled Substance Count II, Possession of a Controlled Substance Count III, Misdemeanor Possession of Drug Paraphernalia | 07/01/2008 | 42 |
| Judgment of Conviction and Order of Commitment | 07/09/2009 | 275 |
| Jury Panel (Seating Chart) | 03/04/2009 | 223 |
| Jury Roll Call | 03/04/2009 | 217 |
| Memorandum Decision Denying in Part and Granting in Part Defendant's Motion to Suppress | 01/29/2009 | 127 |

INDEX

000008

INDEX

State of Idaho vs. Dawn Marcel Johnson
District Court Case No. CR-2008-1984*D
Supreme Court Case No. 36932-2009

| DOCUMENT NAME | DATE FILED | PAGE NO. |
|---|------------|----------|
| Motion for Appointment of Counsel | 11/13/2009 | 311 |
| Motion for Bond Reduction | 02/03/2009 | 150 |
| Motion for Correction or Reduction of Sentence | 11/13/2009 | 300 |
| Motion for No Contact Order | 07/01/2008 | 45 |
| Motion for Preparation of Transcript | 08/15/2008 | 61 |
| Motion to Appoint State Appellate Public Defender and to Proceed in Forma Pauperis | 08/14/2009 | 287 |
| Motion to Compel | 12/17/2008 | 108 |
| Motion to Continue Hearing | 09/29/2008 | 65 |
| Motion to Limine | 12/26/2008 | 110 |
| Motion to Proceed in Forma Pauperis | 11/13/2009 | 307 |
| Motion to Reinstate Bond and Release Defendant | 03/20/2009 | 266 |
| Motion to Revoke Bond | 11/28/2008 | 101 |
| Motion to Revoke Bond | 01/15/2009 | 114 |
| Motion to Set Aside Notice of Bond Forfeiture and Reinstate Bail Bond | 01/29/2009 | 121 |
| Motion to Set Aside Notice of Bond Forfeiture and Reinstate Bail Bond | 02/04/2009 | 155 |
| Motion to Suppress | 12/17/2008 | 106 |
| No Contact Order (Andrew Hitt), (Sylvia Olsen), (Sidney Chad Fridal) | 07/15/2008 | 49 |
| No Contact Order Validation | 06/22/2009 | 271 |

INDEX

State of Idaho vs. Dawn Marcel Johnson
District Court Case No. CR-2008-1984*D
Supreme Court Case No. 36932-2009

| DOCUMENT NAME | DATE FILED | PAGE NO. |
|---|------------|----------|
| Notice of Appeal | 08/14/2009 | 283 |
| Notice of Hearing and Order for Defendant to Appear | 03/04/2009 | 262 |
| Notice of Hearing on Motion for Bond Reduction | 02/03/2009 | 152 |
| Objection to Defendant's Motion to Reconsider | 11/16/2009 | 316 |
| Order Amending Conditions of Release Bond | 11/20/2008 | 81 |
| Order and Notice of Hearing | 04/15/2008 | 30 |
| Order and Notice of Hearing | 04/21/2008 | 32 |
| Order and Notice of Hearing | 05/16/2008 | 38 |
| Order and Transmittal to the District Court | 06/27/2008 | 39 |
| Order Appointing State Appellate Public Defender and to proceed in Forma Pauperis | 08/17/2009 | 289 |
| Order Denying Defendant's Motion for Bond Reduction | 02/05/2009 | 159 |
| Order Denying Defendant's Motion to Reconsider | 12/08/2009 | 318 |
| Order Denying Defendant's Motion to Reinstate Bond | 03/30/2009 | 269 |
| Order Denying Motion to Set Aside Notice of Bond Forfeiture and Reinstate Bail Bond | 02/02/2009 | 139 |
| Order Denying State's Motion to Revoke Bond | 12/15/2008 | 104 |
| Order Discharging Public Defender | 09/30/2008 | 70 |
| Order for Preparation of Transcripts | 08/18/2008 | 63 |
| Order for Presentence Report and Evaluations | 03/04/2009 | 260 |

INDEX

4

000010

INDEX

State of Idaho vs. Dawn Marcel Johnson
District Court Case No. CR-2008-1984*D
Supreme Court Case No. 36932-2009

| DOCUMENT NAME | DATE FILED | PAGE NO. |
|--|------------|----------|
| Order of Commitment | 03/04/2009 | 261 |
| Order of Restitution | 09/09/2009 | 279 |
| Order Re: Restitution | 07/28/2009 | 281 |
| Order Revoking Bond | 01/28/2009 | 119 |
| Order to Continue and Notice of Hearing | 07/01/2009 | 272 |
| Order to Continue Hearing – PTC | 09/29/2008 | 67 |
| Order to Set Aside Notice of Bond Forfeiture and Reinstate Bail Bond | 02/04/2009 | 157 |
| Peremptory Challenge | 03/04/2009 | 222 |
| Preliminary Jury Instructions | 03/04/2009 | 224 |
| Pre-trial Scheduling Order and Notice of Hearing | 10/15/2008 | 73 |
| Pre-trial Scheduling Order and Notice of Hearing: Pre-trial Conference | 07/15/2008 | 55 |
| Pre-trial Scheduling Order and Notice of Hearing: Pre-trial Conference and Jury Trial | 02/03/2009 | 144 |
| Return of Bench Warrant | 02/05/2009 | 161 |
| ROA | | 12 |
| Table of Contents | | 02 |
| Verdict Form | 03/04/2009 | 258 |
| Voir Dire | 03/04/2009 | 183 |
| Warrant of Arrest | 04/04/2008 | 29 |

State of Idaho vs. Dawn M Johnson

| Date | Code | User | | Judge |
|-----------|------|------------|--|---------------|
| 4/4/2008 | NCRF | CARPENTE | New Case Filed - Felony | Mick Hodges |
| | WART | TARA | Warrant Returned Defendant: Johnson, Dawn M | Mick Hodges |
| | CRCO | CARPENTE | Criminal Complaint | Mick Hodges |
| | AFPC | CARPENTE | Affidavit Of Probable Cause | Mick Hodges |
| 4/10/2008 | BNDS | ALBERTSON | Bond Posted - Surety (Amount 50000.00) | Mick Hodges |
| | HRSC | ALBERTSON | Hearing Scheduled (Arraignment 04/14/2008 08:30 AM) | Mick Hodges |
| 4/15/2008 | HRSC | CONNIE | Order and Notice of Hearing (Arraignment 04/21/2008 09:00 AM) | Deputy Clerk |
| | ORHR | CONNIE | Order and Notice of Hearing | Mick Hodges |
| 4/16/2008 | WARI | CARPENTE | Warrant Issued - Arrest Bond amount: 50000.00 | Mick Hodges |
| 4/21/2008 | ARRN | CARPENTE | Arraignment Sheet | Rick L Bollar |
| | ORHR | CARPENTE | Order and Notice of Hearing | Rick L Bollar |
| 4/24/2008 | NDRD | TARA | Notice Of Defendant's Request For Discovery | Mick Hodges |
| | CONT | CARPENTE | (Preliminary 05/02/2008 09:00 AM) | Mick Hodges |
| 4/29/2008 | SUBR | WOODBURY | Subpoena Returned-Sylvia Olsen | Mick Hodges |
| | SUBR | WOODBURY | Subpoena Returned-Chad Fridal | Mick Hodges |
| 4/30/2008 | | SUTHERLAND | State's response to Discovery Request | Mick Hodges |
| 5/2/2008 | AMCO | CONNIE | Amended Complaint Filed | Mick Hodges |
| | WAIV | CONNIE | Waiver Of Timely Preliminary Hearing | Mick Hodges |
| | CONT | CONNIE | Continued (Preliminary 05/16/2008 09:00 AM) | Mick Hodges |
| | HRSC | CONNIE | Hearing Scheduled (Arraignment 05/16/2008 09:00 AM) | Mick Hodges |
| | | CONNIE | Notice Of Hearing | Mick Hodges |
| 5/16/2008 | BNDS | CONNIE | Bond Posted - Surety (Amount 300.00) Bond transferred from CR-08-413 when Charge 4 was added to this case | Mick Hodges |
| | ARRN | CONNIE | Arraignment Sheet | Mick Hodges |
| | NRIT | CONNIE | Notification Of Rights At 1st Appearance | Mick Hodges |
| | CMIN | CONNIE | Court Minutes | Mick Hodges |
| | ORHR | CONNIE | Order and Notice of Hearing | Mick Hodges |
| | CONT | CONNIE | Continued (Preliminary 06/27/2008 09:00 AM) | Mick Hodges |
| 5/20/2008 | SUBR | WOODBURY | Subpoena Returned-Tina Swett-Unable To Make Contact | Mick Hodges |
| 6/27/2008 | CMIN | CONNIE | Court Minutes | Mick Hodges |
| | ORDR | CONNIE | Order of Transmittal to the District Court | Mick Hodges |
| | BOUN | CONNIE | Hearing result for Preliminary held on 06/27/2008 09:00 AM: Bound Over (after Prelim) | Mick Hodges |

State of Idaho vs. Dawn M Johnson

| Date | Code | User | Judge |
|-----------|------|------------|---|
| 6/27/2008 | DMOP | SUTHERLAND | Dismissed on Motion of the Prosecutor (I37-2732(C)(1) Controlled Substance-possession Of) Michael R Crabtree |
| 7/1/2008 | INFO | TARA | Information for the Crime of: Ct. 1 - Trafficking in a Controlled Substance; Ct. 2 - Possession of a Controlled Substance; Ct. 3 - Misd Possession of Drug Paraphernalia Michael R Crabtree |
| 7/2/2008 | HRSC | TARA | Hearing Scheduled (Arraignment 07/15/2008 09:00 AM) Motion for No Contact Order Michael R Crabtree |
| | | TARA | Notice of Hearing - Arraignment / Motion for No Contact Order Michael R Crabtree |
| 7/15/2008 | CMIN | TARA | Court Minutes Hearing type: Arraignment Hearing date: 7/15/2008 Time: 9:02 am Court reporter: Denise Schloder Michael R Crabtree |
| | ARRN | TARA | Hearing result for Arraignment held on 07/15/2008 09:00 AM: Arraignment / First Appearance Motion for No Contact Order Michael R Crabtree |
| | APNG | TARA | Appear & Plead Not Guilty Michael R Crabtree |
| | NCOR | TARA | No Contact Order Issued - Andrew Hitt Expires: 12/31/09 Michael R Crabtree |
| | NCOR | TARA | No Contact Order Issued - Sylvia Olsen Expires: 12/31/09 Michael R Crabtree |
| | NCOR | TARA | No Contact Order Issued - Sidney Johnson Expires: 12/31/09 Michael R Crabtree |
| | HRSC | TARA | Hearing Scheduled (Pretrial Conference 09/30/2008 08:30 AM) Michael R Crabtree |
| | HRSC | TARA | Hearing Scheduled (Jury Trial 10/22/2008 09:00 AM) # 5 Set / 3 Days Michael R Crabtree |
| | PSON | TARA | Pre-Trial Scheduling Order and Notice of Hearing: Pre-trial Conference and Jury Trial Michael R Crabtree |
| 7/16/2008 | RDIS | WOODBURY | Request For Discovery Michael R Crabtree |
| 7/23/2008 | DRRD | TARA | Notice of Defendant's Response To Request For Discovery Michael R Crabtree |
| 8/15/2008 | MOTN | TARA | Motion for Preparation of Transcript Michael R Crabtree |
| 8/18/2008 | ORDR | TARA | Order for Preparation of Transcripts (Prelim held on 06/27/08 due 09/22/08 at County Expense from PD Transcript budget) Michael R Crabtree |
| 9/8/2008 | SSDR | WOODBURY | State's Supplemental Discovery Response Michael R Crabtree |
| 9/22/2008 | TRAN | TARA | Transcript Filed - Prelim held on June 27, 2008 Michael R Crabtree |
| 9/29/2008 | | TARA | Appearance (by Tim Williams) and plea (of NOT GUILTY) Michael R Crabtree |
| | MOTN | TARA | Motion to Continue Hearing (Pretrial Conference) Michael R Crabtree |
| | STIP | TARA | Stipulation to Continue Hearing (Pretrial Conference) Michael R Crabtree |
| | CONT | TARA | Continued (Pretrial Conference 10/14/2008 08:30 AM) Michael R Crabtree |

State of Idaho vs. Dawn M Johnson

| Date | Code | User | | Judge |
|------------|------|------------|---|--------------------|
| 9/29/2008 | ORDR | TARA | Order to Continue Hearing - PTC | Michael R Crabtree |
| 9/30/2008 | CMIN | SUTHERLAND | Court Minutes Hearing type: Pretrial Conference Hearing date: 9/30/2008 Time: 8:34 am Court reporter: Denise Schloder | Michael R Crabtree |
| | ORDR | TARA | Order Discharging Public Defender | Michael R Crabtree |
| 10/1/2008 | SUBR | WOODBURY | Subpoena Returned -Jason Rogers | Michael R Crabtree |
| 10/9/2008 | | CARPENTE | Waiver of Speedy Trial | Michael R Crabtree |
| 10/10/2008 | SUBR | WOODBURY | Subpoena Returned-Tina Swett | Michael R Crabtree |
| 10/14/2008 | CMIN | SUTHERLAND | Court Minutes Hearing type: Pretrial Conference Hearing date: 10/14/2008 Time: 9:40 am Court reporter: Denise Schloder | Michael R Crabtree |
| 10/15/2008 | CONT | SUTHERLAND | Continued (Pretrial Conference 11/18/2008 02:30 PM) | Michael R Crabtree |
| | CONT | SUTHERLAND | Continued (Jury Trial 12/03/2008 09:00 AM) # 4 Set / 3 Days | Michael R Crabtree |
| | | SUTHERLAND | Pretrial Scheduling Order and Notice of Hearing Pretrial Conference and Jury Trial | Michael R Crabtree |
| 10/16/2008 | SUBR | WOODBURY | Subpoena Returned-Darrell Swett | Michael R Crabtree |
| 10/20/2008 | SUBR | WOODBURY | Subpoena Returned-Darrell Swett | Michael R Crabtree |
| 10/24/2008 | SSDR | CARPENTE | Second State's Supplemental Discovery Response | Michael R Crabtree |
| 11/18/2008 | CMIN | TARA | Court Minutes Hearing type: Pretrial Conference Hearing date: 11/18/2008 Time: 2:35 pm Court reporter: Denise Schloder | Michael R Crabtree |
| 11/19/2008 | CONT | TARA | Continued (Pretrial Conference 01/13/2009 03:00 PM) | Michael R Crabtree |
| | CONT | TARA | Continued (Jury Trial 02/03/2009 09:00 AM) # 3 Set / 4 Days | Michael R Crabtree |
| | HRSC | TARA | Hearing Scheduled (Motion 01/05/2009 10:00 AM) Pretrial Motions | Michael R Crabtree |
| | | TARA | Notice of Hearing - PRETRIAL MOTIONS | Michael R Crabtree |
| | SUBR | TARA | Subpoena Returned - J. Rogers | Michael R Crabtree |
| | SUBR | TARA | Subpoena Returned - T. Swett | Michael R Crabtree |
| 11/20/2008 | ORDR | TARA | Order Amending Conditions of Release on Bond (once weekly random UA testing at Misd Probation - first test must be done prior to 11/21/08) | Michael R Crabtree |
| 11/25/2008 | | SUTHERLAND | Affidavit of Ami Pena in Support of Filing UA Results | Michael R Crabtree |
| 11/28/2008 | HRSC | SUTHERLAND | Hearing Scheduled (Motion 12/09/2008 09:45 AM) Motion to Revoke Defendant's Bond | Michael R Crabtree |
| | | SUTHERLAND | Affidavit re: Condition of Defendant's Release | Michael R Crabtree |
| | | SUTHERLAND | Motion to Revoke Bond | Michael R Crabtree |
| | | SUTHERLAND | Notice of Hearing | Michael R Crabtree |

State of Idaho vs. Dawn M Johnson

| Date | Code | User | Judge |
|------------|------|------------|--|
| 12/9/2008 | CMIN | SUTHERLAND | Court Minutes Hearing type: Motion Hearing date: 12/9/2008 Time: 10:28 am Court reporter: Denise Schloder Michael R Crabtree |
| 12/15/2008 | | SUTHERLAND | Order Denying State's Motion to Revoke Bond Michael R Crabtree |
| 12/16/2008 | MOTN | WOODBURY | Motion To Suppress Michael R Crabtree |
| | MOTN | WOODBURY | Motion To Compel Michael R Crabtree |
| 12/26/2008 | MOTN | ZANONE | Motion in Limine Michael R Crabtree |
| 1/5/2009 | CMIN | CARPENTE | Court Minutes: Motion: Court Reporter: Denise Schloder Audio tape: District 10:01 am - 12:08 pm Michael R Crabtree |
| | HRHD | CARPENTE | Hearing Held: Pretrial Motions Michael R Crabtree |
| | SUBR | CARPENTE | Subpoena Returned: Jason Rogers Michael R Crabtree |
| | SUBR | CARPENTE | Subpoena Returned: Tina Swett Michael R Crabtree |
| | SUBR | CARPENTE | Subpoena Returned: Darrell Swett Michael R Crabtree |
| | | CARPENTE | Third State's Supplemental Discovery Response Michael R Crabtree |
| 1/12/2009 | CONT | SUTHERLAND | Continued (Pretrial Conference 01/27/2009 08:30 AM) Michael R Crabtree |
| | | SUTHERLAND | Notice of Hearing Michael R Crabtree |
| | | SUTHERLAND | State's Points and Authorities Opposing Motion to Suppress Michael R Crabtree |
| 1/15/2009 | HRSC | SUTHERLAND | Hearing Scheduled (Motion 01/27/2009 08:30 AM) Michael R Crabtree |
| | | SUTHERLAND | Motion to Revoke Bond Michael R Crabtree |
| 1/20/2009 | NOHR | ZANONE | Amended Notice of Hearing Michael R Crabtree |
| 1/21/2009 | SUBR | SUTHERLAND | Subpoena Returned-Amber Prewitt Michael R Crabtree |
| 1/27/2009 | CMIN | SUTHERLAND | Court Minutes Hearing type: Pretrial Conference/Motion Hearing date: 1/27/2009 Time: 8:53 am Court reporter: Maureen Newton Michael R Crabtree |
| | | SUTHERLAND | Order Revoking Bond Michael R Crabtree |
| 1/28/2009 | WARB | SUTHERLAND | Warrant Issued - Bench Bond amount: 100000.00 Fail to Appear Defendant: Johnson, Dawn M Michael R Crabtree |
| 1/29/2009 | MOTN | CONNIE | Motion to Set Aside Notice of Bond Forfeiture and Reinstate Bail Bond Michael R Crabtree |
| | HRHD | SUTHERLAND | Hearing result for Motion held on 01/27/2009 08:30 AM: Hearing Held Michael R Crabtree |
| | | SUTHERLAND | Ex Parte Bail Bond Forfeiture Order Michael R Crabtree |
| | | ZANONE | Memorandum Decision Denying in Part and Granting in Part Defendant's Motion to Suppress Evidence Michael R Crabtree |
| 2/2/2009 | CMIN | TARA | Court Minutes Hearing type: Status Hearing date: 2/2/2009 Time: 8:49 am Court reporter: Denise Schloder Michael R Crabtree |

State of Idaho vs. Dawn M Johnson

| Date | Code | User | Judge |
|-----------|------|------------|---|
| 2/2/2009 | ORDR | ZANONE | Order Denying Motion to set aside Notice of Bond Forfeiture and Reinstate Bail Bond Michael R Crabtree |
| 2/3/2009 | | TARA | State's Jury Trial Witness List Michael R Crabtree |
| | | TARA | Plaintiff's Requested Jury Instructions Michael R Crabtree |
| | CMIN | TARA | Court Minutes Hearing type: Jury Trial Hearing date: 2/3/2009 Time: 9:44 am Court reporter: Denise Schloder Michael R Crabtree |
| | | TARA | Jury Roll Call Michael R Crabtree |
| | CMIN | TARA | Court Minutes Hearing type: Status Hearing date: 2/3/2009 Time: 9:03 am Court reporter: Denise Schloder Audio tape number: CHAMBERS Michael R Crabtree |
| | CMIN | TARA | Court Minutes Hearing type: STATUS Hearing date: 2/3/2009 Time: 11:07 am Court reporter: Denise Schloder Audio tape number: Chambers Michael R Crabtree |
| | CONT | TARA | Continued (Jury Trial 03/02/2009 01:00 PM) # 1 Michael R Crabtree Set / 2 1/2 Days |
| | HRSC | TARA | Hearing Scheduled (Pretrial Conference 02/24/2009 04:00 PM) Michael R Crabtree |
| | MOTN | TARA | Motion for Bond Reduction Michael R Crabtree |
| | NOHR | TARA | Notice of Hearing - Motion for Bond Reduction Michael R Crabtree |
| | HRSC | TARA | Hearing Scheduled (Motion 02/04/2009 09:00 AM) Motion for Bond Reduction Michael R Crabtree |
| 2/4/2009 | CMIN | TARA | Court Minutes Hearing type: Motion Hearing date: 2/4/2009 Time: 9:03 am Court reporter: Maureen Newton Michael R Crabtree |
| | HRHD | TARA | Hearing result for Motion held on 02/04/2009 09:00 AM: Motion for Bond Reduction- DENIED Michael R Crabtree |
| | | TARA | Motion to Set Aside Notice of Bond Forfeiture and Reinstate Bail Bond Michael R Crabtree |
| | | TARA | Order to Set Aside Notice of Bond Forfeiture and Reinstate Bail Bond Michael R Crabtree |
| | | SUTHERLAND | Fourth State's Supplemental Discovery Response Michael R Crabtree |
| | | SUTHERLAND | Fifth State's Supplemental Discovery Response Michael R Crabtree |
| 2/5/2009 | ORDR | TARA | Order Denying Motion for Bond Reduction Michael R Crabtree |
| | WART | NEVAREZ | Warrant Returned Fail to Appear Defendant: Johnson, Dawn M Michael R Crabtree |
| 2/6/2009 | BNDS | ALBERTSON | Bond Posted - Surety (Amount 50000.00) Michael R Crabtree |
| 2/10/2009 | | CARPENTE | Sixth State's Supplemental Discovery Response Michael R Crabtree |
| | SUBR | CARPENTE | Subpoena Returned: Tina Swett Michael R Crabtree |
| | SUBR | CARPENTE | Subpoena Returned: Darrell Swett Michael R Crabtree |
| 2/13/2009 | SRRD | CONNIE | Supplemental Response to Discovery Michael R Crabtree |
| 2/18/2009 | SUBR | CONNIE | Subpoena Returned-Jason Rogers Michael R Crabtree |
| 2/23/2009 | NOAP | ZANONE | Notice Of Appearance - Dennis Curtis Michael R Crabtree |

State of Idaho vs. Dawn M Johnson

| Date | Code | User | | Judge |
|-----------|------|------------|--|--------------------|
| 2/23/2009 | NOAP | ZANONE | Notice Of Appearance - Robert L Stone | Michael R Crabtree |
| 2/24/2009 | | SUTHERLAND | Seventh State's Supplemental Discovery Response | Michael R Crabtree |
| | CMIN | TARA | Court Minutes Hearing type: Pretrial Conference Hearing date: 2/24/2009 Time: 4:10 pm Court reporter: Denise Schloder | Michael R Crabtree |
| | NOAP | ZANONE | Notice Of Appearance - Chantelle Ward | Michael R Crabtree |
| | NOAP | ZANONE | Notice Of Appearance - Daniel Brown | Michael R Crabtree |
| | NOAP | ZANONE | Notice Of Appearance - Legrand Dilworth | Michael R Crabtree |
| 2/25/2009 | NOAP | ZANONE | Notice Of Appearance - Nathan Jaye Wrigley | Michael R Crabtree |
| 2/27/2009 | HRHD | TARA | Hearing result for Pretrial Conference held on 02/24/2009 04:00 PM: Hearing Held | Michael R Crabtree |
| | | CONNIE | Final Witnesses and Exhibits | Michael R Crabtree |
| 3/2/2009 | CMIN | SUTHERLAND | Court Minutes Hearing type: Jury Trial Hearing date: 3/2/2009 Time: 1:44 pm Court reporter: Denise Schloder | Michael R Crabtree |
| | JTST | TARA | Hearing result for Jury Trial held on 03/02/2009 01:00 PM: Jury Trial Started # 1 Set / 2 1/2 Days | Michael R Crabtree |
| 3/3/2009 | CMIN | TARA | Court Minutes Hearing type: Jury Trial Hearing date: 3/3/2009 Time: 9:08 am Court reporter: Denise Schloder | Michael R Crabtree |
| 3/4/2009 | CMIN | TARA | Court Minutes Hearing type: JURY TRIAL - DAY 3 Hearing date: 3/4/2009 Time: 9:19 am Court reporter: Denise Schloder | Michael R Crabtree |
| | | TARA | Jury Voir Dire | Michael R Crabtree |
| | | TARA | Peremptory Challenge | Michael R Crabtree |
| | | TARA | Jury Roll Call | Michael R Crabtree |
| | | TARA | Seating Chart | Michael R Crabtree |
| | | TARA | Preliminary Jury Instructions | Michael R Crabtree |
| | | TARA | Final Jury Instructions | Michael R Crabtree |
| | VERD | TARA | Verdict Of The Jury Guilty - Ct. 1 - Possession of Heroin Guilty - Ct. 2 - Possession of Cocaine Guilty - Ct. 3 - Possession of Paraphernalia | Michael R Crabtree |
| | OPSI | TARA | Order To Attend Psi Interview & Appear For Sentencing | Michael R Crabtree |
| | HRSC | TARA | Hearing Scheduled (Sentencing 05/19/2009 01:30 PM) | Michael R Crabtree |
| | STIP | TARA | Stipulation of Counsel to return State's Exhibit 116 & 117 to the custody of Trooper Hitt | Michael R Crabtree |
| | ORCM | TARA | Order Of Commitment | Michael R Crabtree |
| | | TARA | Notice of Hearing and Order for Defendant to Appear | Michael R Crabtree |

State of Idaho vs. Dawn M Johnson

| Date | Code | User | | Judge |
|-----------|------|------------|---|--------------------|
| 3/4/2009 | | WOODBURY | Notice To Appear-Jalynn Despain | Michael R Crabtree |
| 3/5/2009 | AMND | TARA | Amended Order of Commitment (NO BOND) | Michael R Crabtree |
| | | WOODBURY | Notice To Appear-Jose Rios-Not Found | Michael R Crabtree |
| | | WOODBURY | Notice To Appear-Jorge Rios-In Mexico | Michael R Crabtree |
| 3/9/2009 | CMIN | TARA | Court Minutes Hearing type: Juror Summons Hearing date: 3/9/2009 Time: 9:40 am Court reporter: Denise Schloder | Michael R Crabtree |
| 3/10/2009 | | WOODBURY | Notice To Appear-Marlena Roll | Michael R Crabtree |
| 3/20/2009 | | SUTHERLAND | Motion to Reinstate Bond and Release Defendant | Michael R Crabtree |
| | HRSC | SUTHERLAND | Hearing Scheduled (Motion 03/27/2009 02:30 PM) Motion to Reinstate Bond | Michael R Crabtree |
| | | SUTHERLAND | Notice of Hearing | Michael R Crabtree |
| 3/25/2009 | LETR | TARA | Letter Recieved from IDOC Presentence Investigator Matilda Ortiz - Defendant is failing to cooperate with PSI Investigator | Michael R Crabtree |
| 3/27/2009 | CMIN | TARA | Court Minutes Hearing type: Motion for Bond Reduction Hearing date: 3/27/2009 Time: 4:56 pm Court reporter: Denise Schloder | Michael R Crabtree |
| 3/30/2009 | ORDR | TARA | Order DENYING Defendant's Motion to Reinstate Bond | Michael R Crabtree |
| 3/31/2009 | HRHD | TARA | Hearing result for Motion held on 03/27/2009 02:30 PM: Hearing Held Motion to Reinstate Bond - DENIED | Michael R Crabtree |
| 5/13/2009 | REQU | TARA | Request from IDOC - Matilda Ortiz to continue sentencing | Michael R Crabtree |
| | CONT | TARA | Continued (Sentencing 06/16/2009 3:30 PM) | Michael R Crabtree |
| | | TARA | Notice of Hearing - SENTENCING | Michael R Crabtree |
| 6/15/2009 | CONT | TARA | Continued (Sentencing 07/02/2009 09:00 AM) | Michael R Crabtree |
| | LETR | TARA | Letter Recieved from IDOC Presentence Investigator - Matilda Ortiz requesting a continuance of sentencing | Michael R Crabtree |
| | | TARA | Notice of Hearing - SENTENCING | Michael R Crabtree |
| 6/22/2009 | | TARA | Cassia County Sheriff - No Contact Order Validation - REMAIN ACTIVE | Michael R Crabtree |
| 6/29/2009 | PRES | TARA | Pre-Sentence Investigation Report Document sealed | Michael R Crabtree |
| 7/1/2009 | PRES | TARA | ADDENDUM Pre-Sentence Investigation Report Document sealed | Michael R Crabtree |
| | CONT | TARA | Continued (Sentencing 07/09/2009 01:30 PM) | Michael R Crabtree |
| | STIP | TARA | Stipulation to Continue and Notice of Hearing | Michael R Crabtree |
| | ORDR | TARA | Order to Continue and Notice of Hearing | Michael R Crabtree |
| 7/2/2009 | PRES | TARA | ADDENDUM Pre-Sentence Investigation Report Document sealed | Michael R Crabtree |

Date: 2/5/2010

Fifth Judicial District Court - Cassia County

User: ZANONE

Time: 09:41 AM

ROA Report

Page 8 of 9

Case: CR-2008-0001984 Current Judge: Michael R Crabtree

Defendant: Johnson, Dawn M

State of Idaho vs. Dawn M Johnson

| Date | Code | User | Judge |
|------------|------|------------|--|
| 7/9/2009 | CMIN | TARA | Court Minutes Hearing type: Sentencing Hearing date: 7/9/2009 Time: 1:36 pm Court reporter: Denise Schloder Minutes Clerk: Tara Gunderson Defense Attorney: Jordan Crane Prosecutor: Blaine Cannon |
| | HRHD | TARA | Hearing result for Sentencing held on 07/09/2009 01:30 PM: Hearing Held |
| | JDMT | TARA | Judgment of Conviction and Order of Commitment |
| | REST | TARA | Order Of Restitution - \$5,200.00 ISP |
| | SNIC | TARA | Sentenced To Incarceration (I37-2732B(A)6 Drug-trafficking In Heroin) Confinement terms: Credited time: 128 days. Penitentiary determinate: 7 years. Penitentiary indeterminate: 15 years. |
| | SNIC | TARA | Sentenced To Incarceration (I37-2732(C)(1) Controlled Substance-possession Of) Confinement terms: Penitentiary determinate: 7 years. |
| | SNIC | TARA | Sentenced To Incarceration (I37-2734A(1) Drug Paraphernalia-use Or Possess W/intent To Use) Confinement terms: Jail: 1 year. |
| | BNDE | TARA | Surety Bond Exonerated (Amount 50,000.00) |
| | BNDE | TARA | Surety Bond Exonerated (Amount 300.00) |
| | BNDE | TARA | Surety Bond Exonerated (Amount 50,000.00) |
| 7/28/2009 | REST | TARA | AMENDED Order Of Restitution |
| 8/14/2009 | NOTC | KRAMER | Notice of Appeal |
| | APDC | KRAMER | Appeal Filed In District Court |
| | APSC | KRAMER | Appealed to the Supreme Court |
| | MOTN | KRAMER | Motion to Appoint State Appellate Public Defender and to Proceed In Forma Pauperis |
| 8/17/2009 | ORDR | TARA | Order Appointing State Appellate Public Defender and withdrawing Attorney of Record for Appeal |
| 10/6/2009 | LETR | TARA | Letter Recieved from IDOC Presentence Investigator requesting copy of PSI Report |
| 10/7/2009 | | TARA | Ex Parte Order to Unseal and Copy Pre-Sentence Investigation Report |
| 10/19/2009 | | SUTHERLAND | Amended Notice of Appeal |
| 11/13/2009 | MOTN | TARA | Motion for Correction or Reduction of Sentence, ICR 35 |
| | AFFD | TARA | Affidavit to Proceed in Forma Pauperis and Supporting Affidavit |
| | MOTN | TARA | Motion for Appointment of Counsel |

000019

Date: 2/5/2010

Fifth Judicial District Court - Cassia County

User: ZANONE

Time: 09:41 AM

ROA Report

Page 9 of 9

Case: CR-2008-0001984 Current Judge: Michael R Crabtree

Defendant: Johnson, Dawn M

State of Idaho vs. Dawn M Johnson

| Date | Code | User | | Judge |
|------------|------|------------|--|--------------------|
| 11/13/2009 | AFFD | TARA | Affidavit in Support of Motion for Appointment of Counsel | Michael R Crabtree |
| 11/16/2009 | OBJT | TARA | Objection to Defendant's Motion to Reconsider Sentence | Michael R Crabtree |
| 12/1/2009 | | SUTHERLAND | Order Granting Court Reporter's Motion for Extension of Time | Michael R Crabtree |
| 12/8/2009 | ORDR | TARA | Order DENYING Defendant's Motion to Reconsider Sentence | Michael R Crabtree |
| 1/20/2010 | LETR | TARA | Ex parte Letter Recieved | Michael R Crabtree |
| 1/25/2010 | | TARA | Letter mailed re: Ex Parte letter received | Michael R Crabtree |

000020

CASE NO. _____

FILED AT _____

DATE April 4, 2008

CLERK [Signature]

DEPUTY CLERK [Signature]

1 ALFRED E. BARRIS (ISB #1704)

Deputy Prosecuting Attorney

2 BLAINE P. CANNON (ISB #5575)

Deputy Prosecuting Attorney

3 DOUGLAS G. ABENROTH (ISB #7181)

Deputy Prosecuting Attorney

Cassia County, Idaho

1918 Overland Avenue

Post Office Box 7

4 Burley, Idaho 83318

Telephone: 208-878-0419

5 Facsimile: 208-878-2924

6 Attorneys for State of Idaho

7 IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
8 STATE OF IDAHO, IN AND FOR THE COUNTY OF CASSIA
9 MAGISTRATE DIVISION

10 STATE OF IDAHO,

Case No. CR 2008 - 1984

11 Plaintiff,

12 vs.

CRIMINAL COMPLAINT

13 DAWN MARCEL JOHNSON,

14 Defendant.

15
16 PERSONALLY APPEARED before me this 4 day of April, 2008

17 in the County of Cassia, State of Idaho, Andrew H.H., who, being first
18 duly sworn, deposes and says:

19 **COUNT I**
20 **TRAFFICKING OF A CONTROLLED SUBSTANCE**

21 That the defendant, DAWN MARCEL JOHNSON, in concert with Tina Racheal
22 Swett and Darrell Lee Swett, on or about the 26th day and 27th day of January, 2008, in the County
23 of Cassia, State of Idaho, did traffic in drugs by feloniously, unlawfully and knowingly possessing
24 and or bringing into this State 2 grams or more of heroin but less than 7 grams, a controlled
25 substance, or any salt, isomer, salt of an isomer thereof, or any mixture or substance containing a
26 detectable amount of any such substance. All in violation of Idaho Code § 37-2732B(a)(6)(A).

27
28 **CRIMINAL COMPLAINT - 1**

11. Shantel County Criminal Complaint Affidavit Warrant Summons E

2. Trafficking Person Johnson, Spd

000021

DEMAND FOR NOTICE OF ALIBI DEFENSE

Pursuant to Section 19-519, Idaho Code, the Prosecuting Attorney of Cassia County, State of Idaho, or his Deputy, does hereby make written demand upon the defendant named in the above and foregoing Complaint and that the defendant shall serve within ten (10) days or at such different times as the Court may direct, upon the Prosecuting Attorney of Cassia County, State of Idaho, at P. O. Box 7, Burley, Idaho 83318, a written notice of her intention to offer a defense of alibi. Such notice shall state the specific place or places at which the defendant claims to have been at the time of the alleged offense and the names and addresses of the witnesses upon whom she intends to rely to establish such alibi.

DATED this 4 day of April, 2008.

By *Brice Cannon*
Prosecuting Attorney's Office

CRIMINAL COMPLAINT - 3

Idaho State Criminal Complaint Affidavit Waiver Summons Defendants Exemption to Affirmative Defense Johnson and

000023

CASE NO. _____

FILED AT _____

DATE _____

CLERK _____

DEPUTY CLERK _____

1 ALFRED E. BARRUS (ISB #1704)

Prosecuting Attorney

2 BLAINE P. CANNON (ISB #5575)

Deputy Prosecuting Attorney

3 DOUGLAS G. ABENROTH (ISB #7181)

Deputy Prosecuting Attorney

Cassia County, Idaho

1918 Overland Avenue

Post Office Box 7

4 Burley, Idaho 83318

Telephone: 208-878-0419

5 Facsimile: 208-878-2924

6 Attorneys for State of Idaho

7
8 IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
9 STATE OF IDAHO, IN AND FOR THE COUNTY OF CASSIA
10 MAGISTRATE DIVISION

11 STATE OF IDAHO

Case No. CR 2008-1924

12 Plaintiff,

13 vs.

AFFIDAVIT IN SUPPORT
OF CRIMINAL COMPLAINT

14 DAWN MARCEL JOHNSON,

15 Defendant.

16 STATE OF IDAHO)

17) ss.

18 County of Cassia)

19 COMES NOW, Andrew C Hitt, being first duly sworn on oath,

20 deposes and states as follows:

21 1. That I am employed as a deputy sheriff by the Cassia County Sheriff's Office,
22 State of Idaho, and that I have been informed of the following events.

23 2. That on January 26, 2008, Trooper Andrew Hitt from the Idaho State Police
24 was dispatched to a report of possible illegal drugs having been found in a bathroom of Fridal's
25 Truck Stop in Sublett, Cassia County, Idaho. Upon arrival, Trooper Hitt spoke with Chad Fridal
26 who is the owner of the business. Fridal told Trooper Hitt that he found the bag while cleaning and
27 preparing to close the convenience store. Fridal showed Trooper Hitt a clear plastic sandwich bag
28 with a large number of brightly colored pea-sized balloons. The bag emitted a strong odor of

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT - 1

Idaho County Criminal Complaint Affidavit Warrant/Summons fee

Idaho Trafficking Heroin Johnson wpd

000024

1 vinegar. The sandwich bag also contained a small zip lock bag with a white crystalline
2 substance.

3 3. That Trooper Hitt spoke with Sylvia Olsen who was a clerk in the store
4 by phone. Olsen stated she had two customers who left the store before she cleaned the store
5 and bathroom at about 7:30 p.m. to 8:00 p.m. and had no customers for about an hour to an
6 hour and half after that. She stated an older woman with shoulder length brown hair,
7 approximately five feet two inches in height, about 105 to 110 pounds with a pronounced
8 hunch or stoop to her posture, entered the store and used the restroom. Olsen said the woman
9 left the store after using the restroom and told Olsen she would be traveling back through the
10 area. Olsen said the woman was traveling with a man in a brown or gold four-door car,
11 possibly a Ford or Chevrolet. Olsen thought the man was older, but she couldn't be sure
12 because the man never came inside the store and she did not get a good look at him. Olsen
13 said her husband, Rick, had also been in the store with her while the woman was in the store.
14 Olsen said Fridal arrived about ten to fifteen minutes after the female left, but no other
15 customers had been present in the store and no one besides her husband had been in the store
16 since the woman came after she cleaned it. She said she and Fridal began cleaning and
17 preparing to close the store. Olsen said Fridal found the bag in the entrance to the restroom,
18 lying on the floor. Fridal took the bag and put it behind the counter and called the Sheriff's
19 Department.

20 4. That Trooper Hitt returned to the Cassia County Sheriff's Department
21 with the bag. Trooper Hitt opened one of the brightly colored balloons and found a black to
22 brown-colored, sticky substance wrapped in a small piece of white plastic. Trooper Hitt tested
23 the substance using the Narcotics Identification Kit. The substance test presumptive positive
24 for heroin. Next, Trooper Hitt tested the crystalline substance using the Narcotics
25 Identification Kit. The substance tested presumptive positive for cocaine. The packaged
26 weight of the small zip-lock bag was 0.8 grams.

27 5. That Trooper Hitt returned to Fridal's and watched the parking lot in
28

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT - 2

H: Shantel County Criminal Complaint Affidavit Warrant Summons Felonies Defendants Felony Aff-Trafficking Heroin-Johnson.apd

000025

1 case someone returned to look for the lost baggies. At about 12:51 a.m. on January 27, 2008,
2 a gold Ford Taurus returned to the parking lot. A male in a gray hooded sweatshirt got out of
3 the vehicle and began looking around the parking lot with a flashlight. The male subject then
4 returned to the vehicle and the vehicle began to drive away. Trooper Hitt initiated a traffic
5 stop on the vehicle at the Interstate 84 overpass of Sublett Road to conduct a field interview of
6 the occupants of the vehicle, due to the fact the vehicle matched the description of the vehicle
7 Olsen provided.

8 6. That the driver was a white female, the front seat passenger was a white
9 male in a gray sweatshirt and a white female was laying down in the backseat and appeared to
10 be in her fifties and was later shown to have a pronounced slump in her posture. The driver
11 was identified as Megan Leonetti (Tina Swett). The front passenger was identified as Darrell
12 Swett. The back seat passenger was identified as Dawn Johnson. Leonetti (Tina Swett) and
13 Darrell Swett said they were looking for a ring that Johnson had dropped in the area earlier in
14 the evening. Both denied knowledge of the bag found at the truck stop. Darrell Swett and
15 Leonetti (Tina Swett) told Trooper Hitt that Johnson was lying down because she was sick. A
16 subsequent license check through dispatch showed Leonetti's (Tina Swett) driver's license to
17 be invalid. Dispatch informed Trooper Hitt of a warrant for Darrell Swett out of Twin Falls
18 County for possession of a controlled substance. Dispatch also informed Trooper Hitt that
19 Darrell Swett had a history of eluding police officers. Trooper Hitt asked Leonetti (Tina
20 Swett) to turn off the vehicle and she gave Trooper Hitt the keys. Trooper Hitt returned to his
21 vehicle and requested Trooper Barrett to his location.

22 7. That Trooper Barrett arrived on the scene, Trooper Hitt ordered Darrell
23 Swett out of the vehicle and handcuffed him. Trooper Hitt searched Darrell Swett for
24 weapons before seating him in the back of the patrol car. Trooper Hitt next ordered Leonetti
25 (Tina Swett) out of the vehicle and handcuffed her. Trooper Hitt placed Leonetti (Tina Swett)
26 in the back of Trooper Barrett's patrol car. Trooper Hitt asked Johnson to step out of the
27 vehicle and it was quickly determined she had a pronounced slump to her posture and
28

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT - 3

H:\Shantel County Criminal Complaints\Affidavit Warrant-Summons Felonies\Defendants-Felonies Aff-Trafficking Heroin Johnson.wpd

000026

1 appeared very weak and shaky. Deputy Jason Rogers arrived on the scene to assist and
2 Johnson was seated in the back seat of Deputy Rogers' patrol vehicle.

3 8. That while conducting a search incident to arrest of the passenger
4 compartment, Deputy Rogers found a green tourniquet in the pocket facing the back seat on
5 the back of the front passenger seat. Trooper Barrett found a box containing a package of ten
6 unused syringes with a box of cotton swabs, a pair of small scissors and a shot glass on the
7 floor of the back seat. These items when found together with the tourniquet are consistent
8 with intravenous drug use. Trooper Barrett found a small gold spoon with white residue in a
9 brown purse later determined to belong to Johnson. Under the back seat of the vehicle,
10 Deputy Rogers found a bright pink balloon and was about the size of a water balloon. The
11 color and type of the balloon appeared consistent with the balloons containing the black
12 substance found at the truck stop.

13 9. That Johnson was placed under arrest for possession of drug
14 paraphernalia and transported to the Mini-Cassia Criminal Justice Center. Trooper Hitt
15 arrested Darrell Swett for the Twin Falls County warrant and transported him to the Mini-
16 Cassia Criminal Justice Center. Leonetti (Tina Swett) was arrested for failure to purchase a
17 driver's license and transported to the Mini-Cassia Criminal Justice Center.

18 10. That at the jail, Trooper Barrett was completing a booking sheet on
19 Leonetti (Tina Swett) when he discovered a driver's license in her purse identifying her as
20 Tina Swett. Trooper Hitt informed Tina Swett of her Miranda Rights. Tina Swett admitted
21 she used her sister's name instead of her own. A subsequent license check showed Tina Swett
22 to have a suspended driver's license. Dispatch informed Trooper Hitt that Tina Swett had an
23 outstanding warrant from Twin Falls County for possession of a controlled substance and
24 frequenting a place of illegal drug use. Tina Swett was booked into custody for providing
25 false information to an officer and for the Twin Falls warrant. Tina Swett was booked and
26 released for driving without privileges.

27 11. That on February 5, 2008, Trooper Hitt contacted Sylvia Olsen who
28

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT - 4

H:\Shantel County Criminal Complaint Affidavit Warrant Summons Felonies Defendants Felony Aff- Trafficking Heroin Johnson.spd

000027

1 provided a written statement of the events on January 26, 2008. Trooper Hitt showed Olsen a
2 photo lineup containing six photographs. Trooper Hitt asked Olsen if any of the photographs
3 was the person she saw in the store. Olsen stated photograph number three was the woman
4 she saw in the store. Photograph number three was a photograph of Dawn Johnson. Olsen
5 stated she was absolutely certain the photo was the same person she saw in the store on
6 January 26, 2008.

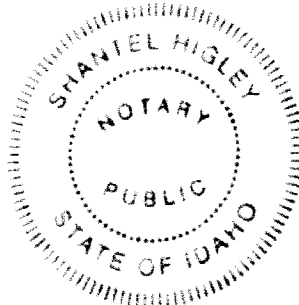
7 12. That on February 5, 2008, Trooper Hitt contacted Rick Olsen and
8 showed him the photo lineup. Rick Olsen picked photograph number three as the person he
9 saw in the store. Rick Olsen stated he was absolutely sure and said the woman's appearance
10 was very distinct.

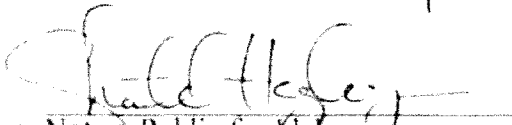
11 13. That in March 2008, Trooper Hitt received information from the Idaho
12 State Police Forensics Lab. Trooper Hitt was informed that the substance in the 50 balloons
13 contained heroin and the total weight of the substance was 6.62 grams. Trooper Hitt was
14 informed that the one plastic bindle with a white powder contained cocaine. Trooper Hitt was
15 informed that the substance on a small gold colored spoon contained cocaine and the results of
16 the testing are also consistent with methamphetamine.

17 WHEREFORE, your affiant prays that a Warrant of Arrest issue for the arrest
18 DAWN MARCEL JOHNSON, that she may be dealt with according to law.

19
20 
21 Affiant

22 SUBSCRIBED AND SWORN to before me this 4 day of April, 2008.




Notary Public for Idaho
Residing at: Heyburn
Commission Expires: 11-17-2012

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT - 5

D:\Shantel\County Criminal Complaints\Affidavit Warrants Summons Felonies\Defendants-Felonies\Aff\Trafficking Heroin Johnson.spd

000028

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF CASSIA

MAGISTRATE DIVISION

STATE OF IDAHO,

Case No. CR 2002-1934 *leg*

Plaintiff,

vs.

WARRANT OF ARREST

DAWN MARCEL JOHNSON,

603 Golden Spur Drive
Filer, Idaho 83328

DOB: [REDACTED]

SS#: [REDACTED]

DL#:

Defendant.

TO ANY SHERIFF, CONSTABLE, MARSHALL OR POLICEMAN OF
THE STATE OF IDAHO, OR THE COUNTY OF CASSIA:

A Complaint, upon oath, having been this day laid before me by
_____, charging the crimes of:

Count I, TRAFFICKING IN A CONTROLLED SUBSTANCE, Idaho Code § 37-2732B(a)(6)(A)

Count II, POSSESSION OF A CONTROLLED SUBSTANCE, Idaho Code § 37-2732(c)(1)

Count III, POSSESSION OF A CONTROLLED SUBSTANCE, Idaho Code § 37-2732(c)(1)

has been committed in the County of Cassia, State of Idaho, and that DAWN MARCEL JOHNSON
has committed it;

YOU ARE, THEREFORE, COMMANDED forthwith to arrest the above-named
Defendant and bring her before me at my office said County of Cassia, or, in case of my absence or
inability to act, before the nearest or most accessible Magistrate in this District.

DATED this 4 day of April, 20

[Signature]
Magistrate Judge

Bail: \$ 50,000

May be served: ☒ DAYTIME ☒ NIGHTTIME

WARRANT OF ARREST - 1

208-53

FORMA FULLA CUBO

P. 2

MAGISTRATE COURT
CASSIA COUNTY

000030

MAGISTRATE COURT
O. CASSIA COUNTY

Case No: CR-2008-0001984

Arraignment / 1st Appearance Minutes

ERRY A. HICKELSEN

☐ Interpreter Required

Charges: () Misdemeanor () Felony Prosecutor: () City () County () Immigration Hold

In custody appearance: () Yes () No () Defendant Failed to Appear

Provable Cause Affidavit on File: ☐ Yes ☐ No ☐ Refer to Pros. for I.C.19-3901A charge

Defendant advised of rights: ☒ in person ☐ in writing ☐ by videotape

- Right to remain silent and not incriminate self
- Right to jury trial
- Right to confront and cross-examine evidence and witnesses
- Right to be represented by counsel
- Right to a speedy trial
- Right to present evidence on own behalf
- State must prove beyond a reasonable doubt
- Right to appeal

Charge(s)

I.C. Section

Max Penalty

[illegible]

Trafficking
 Possession Cocaine
 Schedule II

Detention: advised of nature of charge(s) and penalties: () Yes

Counsel: () Public Defender () Waiver counsel () Retain counsel: _____
() Public Defender denied: _____

Plea Entered (Misdemeanor): ☐ Not Guilty ☐ Guilty ☐ Plea Entry Cont'd: _____ 200_____

Verdict Date: 3/2, 2008 Time: 9:00 a.m.
 Plaintiff's Hearing at _____
 Defendant's () Other: _____

B. ☐ O.R. ☐ Additional conditions below:

| 1. Name of the subject or controlled substance | | 2. Date of release | |
|--|--------------------|--------------------|---|
| 3. Age | 4. Sex | 5. Time of release | 6. Frequency of use (times / week beginning upon release) |
| 7. Duration of use | 8. Location of use | 9. Method of use | 10. Other information |

5. State of Dept. as follows:

^b + test or positive test results in immediate arrest warrant, bail \$

1. The first step is to identify the problem or issue that needs to be addressed. This involves gathering information and understanding the context of the problem.

100

000051

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT, STATE OF IDAHO,
CASSIA COUNTY, MAGISTRATE DIVISION

MAGISTRATE COURT
CASSIA COUNTY, ID

FILED

State of Idaho, Plaintiff

Case No. CR-2008-078421 P 5:18

-vs-

ORDER and NOTICE OF HEARING

Dawn Johnson Defendant)

☒ Felony ☐ Misdemeanor
Other: _____

☒ The Public Defender is appointed to represent Defendant or _____.
The Defendant is required to:

- () Personally go to the Public Defender's office within 24 hours of release from custody, or meet with the Public Defender today if not in custody.
() Meet with the Public Defender on Monday, _____, 200__ at 9:00 a.m., at the Cassia County Courthouse, 2nd Floor.

() The Conflict Public Defender _____ is appointed to represent _____, compensation at the rate authorized by Cassia County, Idaho. Defendant must personally go to the conflict public defender's office no later than 24 hours from the date of this Order.

() The Defendant is required to reimburse Cassia County, Idaho for Public Defender services in the minimum amount of \$ _____ or () amount to be determined. Make payment to the Clerk of the Court on or before _____, 200__.

☒ The Defendant is required to personally appear in Court as set forth below:

Date: May 2, 2008 Time: 9:00, A. M.

- () Arraignment (☒ Preliminary Hearing
() Pre-trial Conference () Trial
() Sentencing (fine and court costs must be paid on the date of sentencing).
() Other: _____

Date: Apr 1 21, 2008

Judge: _____

Defendant Certifies as Follows:

I certify that I received a copy of this Order today. I understand that violation of this Order may result in a warrant for my arrest being issued, or forfeiture of the bond that was posted for my release from custody.

Date: Apr 21, 2008

Defendant's signature: _____

Address: _____

Interpreter: _____

1 ALFRED E. BARRUS (ISB #1704)
2 BLAINE P. CANNON (ISB #5575)
3 DOUGLAS G. ABENROTH (ISB #7131)
4
5

6 Attorneys for State of Idaho

7 IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
8 STATE OF IDAHO, IN AND FOR THE COUNTY OF CASSIA
9 MAGISTRATE DIVISION

10 STATE OF IDAHO,

Case No. CR 2008-1984 M

11 Plaintiff,

12 Amended
CRIMINAL COMPLAINT

13 vs.

14 DAWN MARCEL JOHNSON,

15 Defendant.

16 PERSONALLY APPEARED before me this 2 day of MAY, 2008.
17 in the County of Cassia, State of Idaho, S. Taylor, who, being first
18 duly sworn, deposes and says:

19 **COUNT 1**
20 **TRAFFICKING OF A CONTROLLED SUBSTANCE**

21 That the defendant, DAWN MARCEL JOHNSON, in concert with Tina Racheal
22 Swett and Darrell Lee Swett, on or about the 26th day and 27th day of January, 2008, in the County
23 of Cassia, State of Idaho, did traffic in drugs by feloniously, unlawfully and knowingly possessing
24 and/or bringing into this State 2 grams or more of heroin but less than 7 grams, a controlled
25 substance, or any salt, isomer, salt of an isomer thereof, or any mixture or substance containing a
26 detectable amount of any such substance. All in violation of Idaho Code § 37-2732B(a)(6)(A).

27
28 Amended CRIMINAL COMPLAINT - 1

18 Shanel C. Jolly, Criminal Complaint, Affidavit, Warrant, Summons, ETC. v. Defendant(s) Felony Complaint Trafficking Heroin, Johnson, et al.

060023

COUNT II
POSSESSION OF A CONTROLLED SUBSTANCE

That the defendant, DAWN MARCEL JOHNSON, in concert with Tina Racheal Swett and Darrell Lee Swett, on or about the 26th day and 27th day of January, 2008, in the County of Cassia, State of Idaho, did feloniously and unlawfully possess a controlled substance, to-wit: Cocaine (binder), a Schedule II controlled substance. All in violation of Idaho Code § 37-2732(c)(1).

COUNT III
POSSESSION OF A CONTROLLED SUBSTANCE

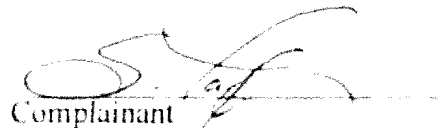
That the defendant, DAWN MARCEL JOHNSON, on or about the 27th day of January, 2008, in the County of Cassia, State of Idaho, did feloniously and unlawfully possess a controlled substance, to-wit: Cocaine or methamphetamine (substance on small gold colored spoon), a Schedule II controlled substance. All in violation of Idaho Code § 37-2732(c)(1).

COUNT IV
POSSESSION OF DRUG PARAPHERNALIA - Misdemeanor

That the defendant, DAWN MARCEL JOHNSON, on or about the 27th day of January, 2008, in the County of Cassia, State of Idaho, did possess with intent to use drug paraphernalia, to-wit: green tourniquet, gold spoon with residue, shot glass, package of 10 syringes, and q-tips, to ingest, inhale, or otherwise introduce into the human body a controlled substance. All in violation of Idaho Code § 37-2734(A).

All of which is contrary to the form, force and effect of the statute in such case made and provided, and against the peace and dignity of the State of Idaho.

Said complainant, therefore, prays that a Warrant of Arrest issue for the arrest of DAWN MARCEL JOHNSON, and that she be dealt with according to law.


Complainant

Amended CRIMINAL COMPLAINT - 2

11. Shantel County Criminal Complaint Affidavit Warrant Summons FEE LINDEN Defendants Felony Complaint Affidavit Hec. in Idaho and

000034

SUBSCRIBED AND SWORN to before me this 2 day of May, 2008.

Magistrate

DEMAND FOR NOTICE OF ALIBI DEFENSE

Pursuant to Section 19-519, Idaho Code, the Prosecuting Attorney of Cassia County, State of Idaho, or his Deputy, does hereby make written demand upon the defendant named in the above and foregoing Complaint and that the defendant shall serve within ten (10) days or at such different times as the Court may direct, upon the Prosecuting Attorney of Cassia County, State of Idaho, at P. O. Box 7, Burley, Idaho 83318, a written notice of her intention to offer a defense of alibi. Such notice shall state the specific place or places at which the defendant claims to have been at the time of the alleged offense and the names and addresses of the witnesses upon whom she intends to rely to establish such alibi.

DATED this 30 day of April, 2008.

By [Signature]
Prosecuting Attorney's Office

***Amended* CRIMINAL COMPLAINT - 3**

Idaho State Courts Criminal Complaint Affidavit Waiver Summons FELONIES Defendants Felony 1 - 1st Felony Trafficking Heroin Johnson and

000035

IN THE DISTRICT COURT, FIFTH JUDICIAL DISTRICT, STATE OF IDAHO, CASSIA COUNTY

FILED

State of Idaho,

Vs.

Dawn M Johnson

Case No. CR-2008-0001984

FILED MAY 15 AM 11:21

Arraignment / 1st Appearance Minutes

BY

BY

BY

() Interpreter Required

Today's Date: 5-16, 2008

Mailing Address: 642 3rd St, Pocatello, ID 83201

Charges: () Misdemeanor () Felony Prosecutor: () City () County () Immigration Hold

In custody appearance: () Yes (X) No () Defendant Failed to Appear

Probable Cause Affidavit on File: () Yes (X) No () Refer to Pros. for I.C. 19-3901A charge

Defendant advised of rights: () in person () in writing (X) by videotape

- + Right to remain silent and not incriminate self
- + Right to jury trial
- + Right to confront and cross-examine evidence and witnesses
- + Right to be represented by counsel
- + Right to speedy trial
- + Right to present evidence on own behalf
- + State must prove guilt beyond a reasonable doubt
- + Right to appeal

| | Charge(s) | I.C. Section | Max Penalty |
|------|-----------------|--------------|-------------------|
| I: | Public Defender | | 6 months / \$1000 |
| II: | | | |
| III: | | | |
| IV: | | | |
| V: | | | |
| VI: | | | |

Defendant advised of nature of charge(s) and penalties: (X) Yes

Counsel: () Public Defender () Waives counsel () Retain counsel: N/A
() Public Defender denied:

Plea Entered [Misdemeanor]: (X) Not Guilty () Guilty () Plea Entry Cont'd: 200

Next Court Date: 5-22-08, 2008 Time: 10:00 a.m.
(X) PTC () Preliminary Hearing () Sentencing () Other:

Bail: () Cash or surety \$ () O.R. () Additional conditions below:
() No possession or consumption of alcohol or controlled substances
() U.A.'s at Misdemeanor Probation times / week beginning upon release
() Alcohol breath test at Sheriff Dept. as follows:
() Other:
() Fail to test or positive test results in immediate arrest warrant, bail \$
() No Contact Order Issued

Notes:

Judge: [Signature]

060036

CASSIA COUNTY MAGISTRATE COURT MINUTES

MAGISTRATE COURT
CASSIA COUNTY ID

FILED

CASE # CR-10-1184
DATE 5-15-20
JUDGE Hodges
CLERK Connie
TAPE 1184
INTERPRETER -

2020 MAY 16 A 11:20

LA WICKELSEN

PR 1

() City

() County

STATE

PLAINTIFF

PLAINTIFF'S ATTORNEY

-VS-

() P.D.

() Private

10/1/2012
DEFENDANT

DEFENDANT'S ATTORNEY

Proceedings: () Motion () Court Trial () Jury Trial () Sentencing () Other

State's Motion to Amend/Reduce: _____

Dismissed by State _____ Defendant's plea () Not Guilty () Guilty

Index Action

101127 mtw
101142 State D private attorney
PD. applied - action on amended charges
commitments.
12209 D. - property to State private attorney
last case # CR 58-1112
12211 AKIT on amended complaint - drug prop
panel

Fines _____ Court Costs: _____ Suspended: _____ P.D. Fees: _____

Jail Time: _____ Suspended: _____ Discretionary: _____ Time Credit: _____ McWork _____

Suspended D.L.: _____ Absolute: _____ Probation: _____ months**level I \$35**level II \$20**

Court Alcohol School: _____ Counseling: _____ Outpatient: _____ Other: _____

Court Minutes

060027

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT, STATE OF IDAHO
CASSIA COUNTY, MAGISTRATE DIVISION

MAGISTRATE COURT
CASSIA COUNTY ID

FILED

State of Idaho, Plaintiff

Case No. CR-200

JUN 15 A 11:21

-vs-

ORDER and NOTICE OF HEARING

Devin Johnson Defendant)

☒ Felony ☐ Misdemeanor
Other: _____

() The Public Defender is appointed to represent Defendant or _____
The Defendant is required to:

- () Personally go to the Public Defender's office within 24 hours of release from custody, or meet with the Public Defender today if not in custody.
- () Meet with the Public Defender on Monday, _____, 200__ at 9:00 a.m., at the Cassia County Courthouse, 2nd Floor.

() The Conflict Public Defender _____ is appointed to represent _____, compensation at the rate authorized by Cassia County, Idaho. Defendant must personally go to the conflict public defender's office no later than 24 hours from the date of this Order.

() The Defendant is required to reimburse Cassia County, Idaho for Public Defender services in the minimum amount of \$ _____ or () amount to be determined. Make payment to the Clerk of the Court on or before _____, 200__.

☒ The Defendant is required to personally appear in Court as set forth below:

Date: June 27, 2008 Time: 9:00, A.M.

- () Arraignment ☒ Preliminary Hearing
- () Pre-trial Conference () Trial
- () Sentencing (fine and court costs must be paid on the date of sentencing).
- () Other: _____

Date: 6-16, 2008

Judge: [Signature]

Defendant Certifies as Follows:

I certify that I received a copy of this Order today. I understand that violation of this Order may result in a warrant for my arrest being issued, or forfeiture of the bond that was posted for my release from custody.

Date: 5-16, 2008

Defendant's signature: [Signature]

Address: 603 Golden Spur Dr.
Ellettsville, ID 83328

Interpreter: _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF CASSIA
MAGISTRATE DIVISION

STATE OF IDAHO
PLAINTIFF,

VS.

Dawn M Johnson
DEFENDANT.

)
)
)
)
) CASE NO: CR-2008-0001984 *M
)
)
) ORDER OF TRANSMITTAL
) TO THE DISTRICT COURT
)
)
)

WHEREAS, the defendant in the above-entitled action was charged with the offense of
Drug-trafficking In Heroin
Controlled Substance-possession Of
Controlled Substance-possession Of
brought on the Complaint of Alfred Barrus, Prosecuting Attorney of the County of Cassia, State of
Idaho, heretofore filed in the above court; and,

WHEREAS, the defendant was informed as to the nature of the above charge; informed of
his constitutional rights, including his right to counsel; and thereafter the defendant requested a
Preliminary Hearing in this matter; and,

WHEREAS, a Preliminary Hearing was held on June 27, 2008 and the matter having been
submitted to the Court and the Court having been fully advised in the premises, and probable cause
having been shown that the offense of

Drug-trafficking In Heroin
Controlled Substance-possession Of
Drug Paraphernalia-use Or Possess
With Intent To Use

was committed and that this defendant committed the said offense;

NOW, THEREFORE, IT IS HEREBY ORDERED that the defendant, Dawn M Johnson be
bound over to the District Court of the Fifth Judicial District of the State of Idaho, in and for the
County of Cassia, to answer said charge and that bond is fixed in the sum of \$ 30,000.

DATED 6-27-08


Magistrate Judge

Order of Transmittal to the District Court w/out Waiver

000039

CASSIA COUNTY MAGISTRATE COURT MINUTES

CASE # CV 12-00149
 DATE 10/17/12
 JUDGE Hodges
 CLERK Connie
 TAPE 1104
 INTERPRETER ---

10/17/12 3:56

Selle
 PLAINTIFF

E. Brown
 PLAINTIFF'S ATTORNEY

-VS-

Gibson & Swell
 DEFENDANT

B. P. D.
 DEFENDANT'S ATTORNEY

PD 1

T. Schuman M. J. Lee PD 2 B. P. D.
 Proceedings: () Motion () Court Trial () Jury Trial () O.T.S.C. () Other

Index

Action

- 2100 Intro
- 2105 PA Volume case for Probation only
- 2110 1700000 & 1000000
- 2115 PA calls later 10:00 AM
- 2120 u #1. Swell & Gibson
- 2125 PA D. u #1
- 2130 u #1. Swell & Gibson
- 2135 u #1. Swell & Gibson
- 2140 u #1. Swell & Gibson
- 2145 PD 1. Cy u #1
- 2150 PD 2. Cy u #1
- 2155 PA objects foundation
- 2160 Q. let u #1 review her statement
- 2165 recovered copies of statement per u #1
- 2170 PD 2. Swell & Gibson
- 2175 PA X. u #1
- 2180 PA u #1 stops down & in agreement
- 2185 PA calls that Swell & Gibson
- 2190 u #1. Swell & Gibson
- 2195 PD 1. PD 2. in question
- 2200 u #1. Swell & Gibson
- 2205 PA calls Swell & Gibson

CASSIA COUNTY MAGISTRATE COURT MINUTES

Page# 1 Date: 5-21-20 Case # 20-3-1027-1000

Case Name: St V. Johnson & Smith

| Index | Action |
|-------|---|
| 2418 | PA 12/1/19 |
| 25029 | U #3 witness Smith - testimony |
| 25413 | U #3 witness Johnson - testimony |
| 25701 | PA Against U #3 & 4 - document |
| 26100 | State Exhibit 1 - handwritten about witness |
| | State Exhibit 2 - handwritten |
| 26105 | PA ask to admit 17 states Exhibit 1 & 2 |
| | PD 1 object hearsay |
| | PD 2 object hearsay |
| | PA argument on object - hears rules |
| | Cj foundation - exhibits admitted |
| 31114 | PD 2 CV U #3 |
| 31045 | PD 2 CV U #3 |
| 32112 | PA RV U #3 |
| 32122 | U #3 steps claim |
| 32305 | PD 1 & PD 2 - no witnesses |
| 32229 | PA Johnson cross examine about #3 |
| | Placing argument on other charges |
| 32320 | Smith cross examine argument |
| | Placing |
| 32325 | PD 1 Placing argument Johnson |
| 32326 | PD 2 Placing argument Smith |
| 32317 | Cj Johnson Placing argument about document |
| | Record 3 - Court 12 & about 10:00 |
| | Record 4 - court |
| 32312 | U #3 Smith - about 10:00 |
| 32341 | Quies |

1 ALFRED E. BARRUS (ISB #1704)
Prosecuting Attorney
2 BLAINE P. CANNON (ISB #5575)
Deputy Prosecuting Attorney
3 DOUGLAS G. ABENROTH (ISB #7181)
Deputy Prosecuting Attorney
Cassia County, Idaho
1418 Overland Avenue
Post Office Box 7
Burley, Idaho 83318
4 Telephone: 208-878-0419
Facsimile: 208-878-2924

2008 JUL -1 PM 12:34

5
6 Attorneys for State of Idaho
08-48

7
8 IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
9 STATE OF IDAHO, IN AND FOR THE COUNTY OF CASSIA

10 STATE OF IDAHO,

Case No. CR-2008-01984*D

11 Plaintiff,

12 vs.

13 DAWN MARCEL JOHNSON,

14 Defendant.

**INFORMATION FOR THE
CRIME OF:**

Count I, Trafficking of a Controlled Substance
Count II, Possession of a Controlled Substance
Count III, Misdemeanor Possession of Drug
Paraphernalia

15 ALFRED E. BARRUS, Prosecuting Attorney in and for the County of Cassia, State
16 of Idaho, who, in the name and by the authority of said State, prosecutes in its behalf, in proper
17 person comes into said District Court in the County of Cassia, State of Idaho, on June 30, 2008, and
18 gives the Court to understand and be informed that the defendant is accused by this Information of
19 the crimes of Count I, Trafficking in a Controlled Substance; Count II, Possession of a Controlled
20 Substance; and Count III, Misdemeanor Possession of Drug Paraphernalia, which said crimes were
21 committed as follows, to-wit:

22 **COUNT I**
TRAFFICKING OF A CONTROLLED SUBSTANCE

23 That the defendant, DAWN MARCEL JOHNSON, in concert with Tina Rachael
24 Swett and Darrell Lee Swett, on or about the 26th day and 27th day of January, 2008, in the County
25 of Cassia, State of Idaho, did traffic in drugs by feloniously, unlawfully and knowingly possessing
26 and/or bringing into this State 2 grams or more of heroin but less than 7 grams, a controlled
27

28 INFORMATION - 1

H:\Shawled County Criminal Information for District Court Defendants Info-Trafficking Drugs-Johnson.wpd

000042

substance, or any salt, isomer, salt of an isomer thereof, or any mixture or substance containing a detectable amount of any such substance. All in violation of Idaho Code § 37-2732B(a)(6)(A).

COUNT II
POSSESSION OF A CONTROLLED SUBSTANCE

That the defendant, DAWN MARCEL JOHNSON, in concert with Tina Racheal Swett and Darrell Lee Swett, on or about the 26th day and 27th day of January, 2008, in the County of Cassia, State of Idaho, did feloniously and unlawfully possess a controlled substance, to-wit: Cocaine (bundle), a Schedule II controlled substance. All in violation of Idaho Code § 37-2732(c)(1).

COUNT III (formerly Count IV)
POSSESSION OF DRUG PARAPHERNALIA - Misdemeanor

That the defendant, DAWN MARCEL JOHNSON, on or about the 27th day of January, 2008, in the County of Cassia, State of Idaho, did posses with intent to use drug paraphernalia, to-wit: green tourniquet, ~~gold spoon~~ ^{selected} with residue, ~~shot glass~~ ^{selected}, package of 10 syringes, and q-tips, to ingest, inhale, or otherwise introduce into the human body a controlled substance. All in violation of Idaho Code § 37-2734(A).

All of which is contrary to the form, force and effect of the statute in such case made and provided and against the peace and dignity of the State of Idaho.

ALFRED E. BARRUS
Prosecuting Attorney

By: *Stanley Cannon*
Deputy

The defendant is advised that discovery is available pursuant to Idaho Criminal Rule 16.


INFORMATION - 2

H:\Scanned Cases\Criminal Information for District Court Defendants\Info Trafficking Drugs Johnson.wpd

000043

1 **DEMAND FOR NOTICE OF ALIBI DEFENSE**

2 Pursuant to Idaho Code, Section 19-519, the Prosecuting Attorney of Cassia County,
3 State of Idaho, or his Deputy, does hereby make written demand upon the defendant named in the
4 above information that the defendant shall serve within ten (10) days, or at such different times as
5 the Court may direct, upon the Prosecuting Attorney of Cassia County, State of Idaho, at P. O. Box
6 7, Burley, Idaho 83318, a written notice of her intention to offer a defense of alibi. Such notice
7 shall state the specific place or places at which the defendant claims to have been at the time of the
8 alleged offense and the names and addresses of the witnesses upon whom she intends to rely to
9 establish such alibi.

10
11 By 
12 Prosecuting Attorney's Office

13 **CERTIFICATE OF MAILING**

14 I hereby certify that on this 30 day of June, 2008, I served a copy of
15 the within and foregoing INFORMATION upon the attorney named below in the manner noted:

16 Timothy Schneider
17 Mini-Cassia Public Defender
18 P.O. Box 188
19 Burley, Idaho 83318

20 _____ by depositing a copy thereof in the United State's mail, postage prepaid, in an envelope
21 addressed to said attorney at the foregoing address.

22 _____ by hand delivering copies of the same to the office of the attorney at the address above
23 indicated.

24 _____ by telecopying copies of the same to said attorney at his/her telecopy number of
25 _____, and then by mailing copies of the same in the United States Mail,
26 postage prepaid, at the Burley Post Office in Burley, Idaho.

27 ☒ by delivering a copy thereof to said attorney's mail file or basket at the Cassia County
28 Courthouse in Burley, Idaho.

ALFRED E. BARRUS
Prosecuting Attorney

By: 
Deputy

INFORMATION - 3

H:\Shared\County Criminal Information\ for District Court Defendants Info-1 afflicting Drugs-Inhouse.rpt

000044

1 ALFRED E. BARRUS (ISB #1704)

2 BLAINE P. CANNON (ISB #5575)

3 DOUGLAS G. ABENROTH (ISB #7181)

4 Cassia County, Idaho

5 Post Office Box 7

6 1918 Overland Avenue

7 Burley, Idaho 83318

8 Telephone (208) 878-0419

9 Facsimile (208) 878-2924

10 Attorneys for State of Idaho

11 IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
12 STATE OF IDAHO, IN AND FOR THE COUNTY OF CASSIA

13 STATE OF IDAHO,

Case No. CR-2008-01984 D

14 Plaintiff,

MOTION FOR
NO CONTACT ORDER

15 vs.

16 DAWN MARCEL JOHNSON,

17 Defendant.

18 COMES NOW, Blaine P. Cannon, Deputy Prosecuting Attorney for Cassia
19 County State of Idaho, and moves the Court for a No Contact Order prohibiting the Defendant
20 from contact with the witnesses, Andy Hitt, Sylvia Olsen, and Chad Fridal. This Motion is made
21 on the grounds and for the reason that Andy Hitt, Sylvia Olsen, and Chad Fridal are witnesses in
22 the above named case.

23 Therefore, the State respectfully requests that a No Contact Order be issued.

24 DATED this 30 day of June, 2008.

25 BLAINE P. CANNON
26 Deputy Prosecuting Attorney

27 

28 MOTION FOR NO CONTACT ORDER - 1

U:\Shantel\County Criminal\Five Contact Orders\Defendants Motion No Contact Order - brianD.spd

060045

2008 JUL -1 PM 12:34

EX-101-101

27

1
2 CERTIFICATE OF MAILING

3 I hereby certify that a true and correct copy of the foregoing Motion For No
4 Contact Order was mailed, postage prepaid, this 30 day of June, 2008, to
the following:

5 Timothy Schneider
6 Mini-Cassia Public Defender
7 P.O. Box 188
8 Burley, Idaho 83318

9 
10 BLAINE P. CANNON
11 Deputy Prosecuting Attorney
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

MOTION FOR NO CONTACT ORDER - 2

11 Shoshone County Criminal No Contact Orders Defendants Mo for No Contact Order-JohnsonD.spd

000046

2009 JUL 15 AM 9:53
LARRY A. SCHNEIDER
DY
User TARA

Date 7/15/2008

Fifth Judicial District Court - Cassia County

Time 09:50 AM

Minutes Report

Page 1 of 2

Case: CR-2008-0001984

Defendant: Johnson, Dawn M

All Items

| | | | |
|-------------------|---------------------|--------------------|------------|
| Hearing type: | Arraignment | Minutes date: | 07/15/2008 |
| Assigned judge: | Michael R Crabtree | Start time: | 09:02 AM |
| Court reporter: | Denise Schloder | End time: | 09:02 AM |
| Minutes clerk: | Tara Gunderson | Audio tape number: | |
| Prosecutor: | Blaine Cannon | | |
| Defense attorney: | Timothy J Schneider | | |

Tape Counter: 948 The defendant is present with Counsel - Timothy Schneider.
Blaine Cannon is present on behalf of the State of Idaho.
The defendant advised of her rights.
Copies of the information handed to the defendant.

Tape Counter: 950 The Court continues the appointment of the public defender.
The Court verifies the defendant's true and correct name.
Reading of the information waived by the defendant.

Tape Counter: 951 The Court summarizes the charges contained in the information.
The Court reviews the maximum penalties.

Tape Counter: 953 The defendant has no questions re: nature of charges and penalties.
The defendant enters a plea of NOT GUILTY.
Pretrial Conference set for: September 30, 2008 at 8:30 a.m.
Trial set for: October 22, 2008 as 5th place setting.

Tape Counter: 954 Blaine Cannon addresses the Court, argues the State's Motion re: No Contact Orders;
cites considerations.
Timothy Schneider does not object to the motion for no contact orders.

000047

Date 7/15/2008

Fifth Judicial District Court - Cassia County

User TARA

Time 09:50 AM

Minutes Report

Page 2 of 2

Case CR-2008-0001984

Defendant: Johnson, Dawn M

All Items

Tape Counter: 955

The Court signs the Orders for No Contact Order

The defendant signs the No Contact Orders

Copies of the No Contact Orders provided to the defendant

The court returns the State's exhibits from the preliminary hearing to Blaine Cannon.

Tape Counter: 957

The Court addresses the defendant re. No Contact Orders.

Tape Counter: 958

Hearing concludes.

000048

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF CASSIA

STATE OF IDAHO,
Plaintiff,

vs.

DAWN MARCEL JOHNSON,
Defendant

Case No. CR 2008-1984 D

NO CONTACT ORDER AM 9:55

LARRY W. ELSEN

BY

In this case, the Court has found that the defendant has been charged with a criminal offense for which a No Contact Order forbidding contact with another person is appropriate;

You, the above named defendant, are hereby ordered to have no contact or communication with the alleged victim, **ANDREW HITT**, or knowingly remain within **300 yards** of the alleged victim, except you may make contact through an attorney and [only checked boxes give you other exceptions];

You are permitted to: ☒ no other exceptions
☐ speak with the victim by telephone
☐ have another person contact the victim
☐ communication in writing

BUT YOU OR OTHERS ON YOUR BEHALF MUST NOT THREATEN OR TRY TO INTIMIDATE THE VICTIM.

If you live with the victim, you may contact a law enforcement officer who will make arrangements to accompany you to the residence to remove items and tools necessary for employment and personal belongings. The officer will determine what constitutes necessary tools and personal belongings.

This order will remain in effect until 11:59 p.m. on 12-31-08, or upon dismissal of this criminal case against the Defendant; whichever occurs first. If there is also a civil protection order, dismissal of any civil protection order shall not result in a dismissal of this order in this criminal case.

You are advised of the following:

1. Violation of this order is a separate crime under Idaho Code Section 18-920, which is subject to a maximum penalty of one year in jail and a \$1,000 fine and for which no bail will be set until you appear before a judge.
2. This no contact order can only be modified by a judge.
3. When more than one no contact order or domestic violence protection order is in place, the most restrictive provision will control any conflicting term of any other civil or criminal protection order.
4. Upon sufficient notice to the prosecuting attorney, you have a right to request a hearing before the court to modify or dismiss this order.

If there are other orders of any kind between you and the victim, you must not violate the terms of any order. You might want to ask an attorney to help make all the orders the same to avoid confusion.

THE CLERK IS HEREBY ORDERED to deliver a copy of this Order to the county sheriff's office.

DATED this 15 day of July, 2008.

Judge

I acknowledge that I have read and received a copy of this order

Defendant

000049

CLERK'S CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the foregoing NO CONTACT ORDER was mailed, postage prepaid, this _____ day of _____, 20____, to the following:

Prosecuting Attorney
P.O. Box 7
Burley, Idaho 83318

Timothy Schneider
Mini-Cassia Public Defender
P.O. Box 188
Burley, Idaho 83318

Cassia County Sheriff's Office
129 East 14th Street
Burley, Idaho 83318

to be served on:
Defendant

victim:
Andy Hitt
Idaho State Police
218 West Yakima
Jerome, Idaho 83338

LARRY A. MICKELSEN
CLERK OF THE DISTRICT COURT

By _____

Deputy Clerk

000056

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF CASSIA

STATE OF IDAHO,

Plaintiff,

vs.

DAWN MARCEL JOHNSON,

Defendant

Case No. CR 2008-1984 D

NO CONTACT ORDER 9:55

LAURA A. OLSEN

BY

In this case, the Court has found that the defendant has been charged with a criminal offense for which a No Contact Order forbidding contact with another person is appropriate;

You, the above named defendant, are hereby ordered to have no contact or communication with the alleged victim, SYLVIA OLSEN, or knowingly remain within **300 yards** of the alleged victim, except you may make contact through an attorney and [only checked boxes give you other exceptions];

You are permitted to:

- ☒ no other exceptions
- ☐ speak with the victim by telephone
- ☐ have another person contact the victim
- ☐ communication in writing

BUT YOU OR OTHERS ON YOUR BEHALF MUST NOT THREATEN OR TRY TO INTIMIDATE THE VICTIM.

If you live with the victim, you may contact a law enforcement officer who will make arrangements to accompany you to the residence to remove items and tools necessary for employment and personal belongings. The officer will determine what constitutes necessary tools and personal belongings.

This order will remain in effect until 11:59 p.m. on 12-31-09, or upon dismissal of this criminal case against the Defendant; whichever occurs first. If there is also a civil protection order, dismissal of any civil protection order shall not result in a dismissal of this order in this criminal case.

You are advised of the following:

1. Violation of this order is a separate crime under Idaho Code Section 18-920, which is subject to a maximum penalty of one year in jail and a \$1,000 fine and for which no bail will be set until you appear before a judge.
2. This no contact order can only be modified by a judge.
3. When more than one no contact order or domestic violence protection order is in place, the most restrictive provision will control any conflicting term of any other civil or criminal protection order.
4. Upon sufficient notice to the prosecuting attorney, you have a right to request a hearing before the court to modify or dismiss this order.

If there are other orders of any kind between you and the victim, you must not violate the terms of any order. You might want to ask an attorney to help make all the orders the same to avoid confusion.

THE CLERK IS HEREBY ORDERED to deliver a copy of this Order to the county sheriff's office.

DATED this 15 day of July, 20 08.

Judge

I acknowledge that I have read and received a copy of this order

Defendant

000051

CLERK'S CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the foregoing NO CONTACT ORDER was mailed, postage prepaid, this 10th day of January, 2010, to the following:

Prosecuting Attorney
P.O. Box 7
Burley, Idaho 83318

Timothy Schneider
Mini-Cassia Public Defender
P.O. Box 188
Burley, Idaho 83318

Cassia County Sheriff's Office
129 East 14th Street
Burley, Idaho 83318

to be served on:
Defendant

victim:
Sylvia Olsen
Fridal's Truck Stop
2970 East 1400 South
Malta, Idaho 83342

LARRY A. MICKELSEN
CLERK OF THE DISTRICT COURT

By [Signature]

- Deputy Clerk

000052

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF CASSIA

STATE OF IDAHO,

Plaintiff,

vs.

DAWN MARCEL JOHNSON,

Defendant

) Case No. CR 2008-1984 D

) 2008 JUL 15 AM 9:55

) NO CONTACT ORDER

) BY _____

In this case, the Court has found that the defendant has been charged with a criminal offense for which a No Contact Order forbidding contact with another person is appropriate;

You, the above named defendant, are hereby ordered to have no contact or communication with the alleged victim, **SIDNEY CHAD FRIDAL**, or knowingly remain within **300 yards** of the alleged victim, except you may make contact through an attorney and [only checked boxes give you other exceptions];

You are permitted to:

- ☒ no other exceptions
- ☐ speak with the victim by telephone
- ☐ have another person contact the victim
- ☐ communication in writing

BUT YOU OR OTHERS ON YOUR BEHALF MUST NOT THREATEN OR TRY TO INTIMIDATE THE VICTIM.

If you live with the victim, you may contact a law enforcement officer who will make arrangements to accompany you to the residence to remove items and tools necessary for employment and personal belongings. The officer will determine what constitutes necessary tools and personal belongings.

This order will remain in effect until 11:59 p.m. on 12-31-08, or upon dismissal of this criminal case against the Defendant; whichever occurs first. If there is also a civil protection order, dismissal of any civil protection order shall not result in a dismissal of this order in this criminal case.

You are advised of the following:

1. Violation of this order is a separate crime under Idaho Code Section 18-920, which is subject to a maximum penalty of one year in jail and a \$1,000 fine and for which no bail will be set until you appear before a judge.
2. This no contact order can only be modified by a judge.
3. When more than one no contact order or domestic violence protection order is in place, the most restrictive provision will control any conflicting term of any other civil or criminal protection order.
4. Upon sufficient notice to the prosecuting attorney, you have a right to request a hearing before the court to modify or dismiss this order.

If there are other orders of any kind between you and the victim, you must not violate the terms of any order. You might want to ask an attorney to help make all the orders the same to avoid confusion.

THE CLERK IS HEREBY ORDERED to deliver a copy of this Order to the county sheriff's office.

DATED this 15 day of July, 2008.

Judge

I acknowledge that I have read and received a copy of this order

Defendant

000053

CLERK'S CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the foregoing NO CONTACT ORDER was mailed, postage prepaid, this 12 day of April, 2008, to the following:

Prosecuting Attorney
P.O. Box 7
Burley, Idaho 83318

Timothy Schneider
Mimi-Cassia Public Defender
P.O. Box 188
Burley, Idaho 83318

Cassia County Sheriff's Office
129 East 14th Street
Burley, Idaho 83318

to be served on:
Defendant

victim:
Sidney Chad Fridal
Fridal's Truck Stop
2970 East 1400 South
Malta, Idaho 83342

LARRY A. MICKELSEN
CLERK OF THE DISTRICT COURT

By [Signature]

Deputy Clerk

000054

2008 JUL 15 PM 3:29

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR CASSIA COUNTY

| | | |
|-----------------------|---|-------------------------------------|
| STATE OF IDAHO, |) | |
| |) | CASE NO. CR CR-2008-0001984 D |
| Plaintiff, |) | |
| |) | |
| Vs. |) | Pre-trial Scheduling Order and |
| |) | Notice of Hearing: |
| DAWN M JOHNSON, |) | Pre-trial Conference and Jury Trial |
| 603 Golden Spur Drive |) | |
| Filer, ID 83328 |) | |
| |) | |
| DOB: [REDACTED] |) | |
| |) | |
| Defendant. |) | |

The above-entitled criminal case came on for Arraignment on the 15th day of July, 2008. The defendant appeared in person and with his attorney, Public Defender. The plaintiff, State of Idaho, appeared through its attorney, Blaine P. Cannon, Deputy Prosecutor, Cassia County Prosecuting Attorney's Office.

The Court advised defendant of his constitutional rights. The Defendant acknowledged that he/she understood his/her rights. The Court advised the defendant of the right to delay entry of plea. The Defendant then entered a plea of "not guilty" to all charges alleged in the Information and requested jury trial.

NOW, THEREFORE, IT IS HEREBY ORDERED AS FOLLOWS, pursuant to Rules 12, 16 and 18, Idaho Criminal Rules:

000055

1). JURY TRIAL DATE: The jury trial in this matter is scheduled to begin on Wednesday, October 22, 2008, at the hour of 09:00 AM. Counsel are required to appear thirty (30) minutes prior to trial for a status conference in chambers.

2). Alternate Judges: Notice is hereby given that the presiding Judge assigned to this case intends to utilize the provisions of I.C.R. 25 (a)(6) and that an alternate judge may be assigned to preside over the trial of this case. Unless a party has previously exercised their right to disqualification without cause pursuant to Rule 25(a)(1), Idaho Criminal Rules, each party shall have the right to file one (1) motion for disqualification without cause as to any alternate judge not later than fourteen (14) days after service of this written notice listing the alternate judges. Notice is also given that if there are multiple defendants, any disqualification pursuant to I.C.R. 25(a)(1) is subject to a prior determination under I.C.R. 25(a)(3). The panel of alternate Judges consists of the following Judges who have otherwise not been disqualified on this action: Judges Bevan, Butler, Stoker, Elgee, Higer, Hurlbutt, Meehl, Melanson, and Wood.

3). Appearance of Defendant: Pursuant to Rule 43, Idaho Criminal Rules, the defendant is required to be personally present in court at the following proceedings: arraignment; status and pre-trial conferences; hearings on all motions and arguments on questions of law (including but not limited to motions regarding bail, motions for suppression of evidence, motions in limine regarding evidence at trial); at every stage of trial including impaneling of the jury and return of the verdict. Failure of the defendant to attend court as required may result in the forfeiture of bond and the issuance of a bench warrant for the arrest of defendant.

4). Pre-trial Conference: A pre-trial conference will be held on Tuesday, September 30, 2008, at the hour of 08:30 AM. The defendant is required to be present at the Pretrial Conference. Failure of the defendant to attend will result in the issuance of a bench warrant for the defendant's arrest, and will result in the jury trial being vacated and will be considered as a factor in determining whether the defendant waived his right to a speedy trial.

5). Motions: All motions based on Rule 12, Idaho Criminal Rules, and any other motions, including motions in limine and motions to dismiss, must be filed and scheduled to be heard no later than thirty (30) days prior to the pre-trial conference, unless good cause is shown to depart from this timeframe. All motions must be accompanied by such supporting affidavits as may be required, together with a mandatory memorandum of law that sets forth the specific issue to be addressed in the motion and sets forth the authority in support of the motion. The Clerk will not schedule the motion for hearing until both the motion and the accompanying memorandum of law are filed. Pursuant to Rule 45, hearings on motions may not be scheduled sooner than seven days following service together with three days for service by mail, and upon objection shall be vacated if not timely scheduled.

6). Discovery Cut-off: All discovery pursuant to Rules 15 and 16, Idaho Rules of Criminal Procedure, shall be completed no later than fourteen (14) days prior to the pre-trial conference. Additionally, counsel for the parties shall have disclosed to each other, in writing, no later than fourteen (14) days prior to the pre-trial conference, the names and addresses of all witnesses the party intends to call at trial. This order does not apply to the State's rebuttal witnesses.

7). Further Evidence disclosure requirements: In the event either party intends to introduce evidence at trial pursuant to Rules 404, 405, 406, 410, 412, 608 and 609, such evidence must be disclosed by written notification served on the opposing party no later than thirty (30) days prior to the pre-trial conference, unless good cause is shown to depart from this timeframe.

8). Sanctions: Failure to comply with this order will be grounds for imposition of sanctions that may include the following: costs incurred for subpoenas and witness travel expenses; exclusion of witnesses or evidence; jury costs; attorneys fees.

9). Pleas of Guilty: In the event a defendant wishes to enter a plea of guilty, the following procedures will apply before the court will accept a plea:

a. The defendant is required to complete, sign and file a Guilty Plea Advisory form document;

b. If there is a plea agreement, the agreement will be written and signed by counsel for each party and by the defendant, and then filed with the court;

c. If the Defendant wishes to enter a plea of guilty, written notification of the same is to be filed with the court, signed by the defendant; Trial will not be vacated unless the written and signed notification of intent to plead guilty is filed prior to the trial date;

d. A specific time will be scheduled by the Clerk for the change of plea hearing. Changes of plea will not be conducted during arraignment or at pre-trial conference.

10). Continuances: A continuance of trial will not be granted by the court except upon written stipulation stating the good cause for vacating trial, signed by

counsel for each party and by the defendant. If the continuance will result in delay of trial beyond the time frame for conducting speedy trial, the continuance will not be granted unless the defendant signs and files a written waiver of his/her right to speedy trial which acknowledges his right and which expressly waives the right.

11). Mediation: In the event the parties wish to explore mediation, they shall file a request for mediation, signed by counsel for each party and by the defendant. If the parties are unable to mutually agree upon a mediator, the court will appoint one upon being advised of the necessity to do so.

DATED this 15 day of July, 2008.



MICHAEL R. CRABTREE
District Judge

CERTIFICATE OF MAILING

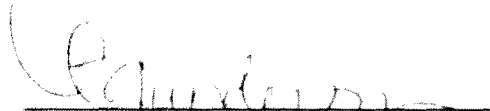
I hereby certify that on this 10 day of July, 2008, I caused to be served a true and correct copy of the foregoing document, by the method indicated below, and addressed to the following:

1. County Prosecutor
P.O. Box 7
Burley, ID 83318

☒ Courthouse Box
☐ U.S. Mail
☐ Other

2. Public Defender
P.O. Box 188
Burley, ID 83318

☒ Courthouse Box
☐ U.S. Mail
☐ Other


Tara Gunderson
Deputy Clerk

Timothy J. Schneider ISBN 6070
MINI-CASSIA PUBLIC DEFENDER OFFICE
111 West 15th Street
P.O. Box 188
Burley, ID 83318
(208) 878-6801

2008 AUG 15 AM 10:57

Attorney for Petitioner

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF CASSIA

STATE OF IDAHO,
Plaintiff,

vs.

DAWN JOHNSON,
Defendant.

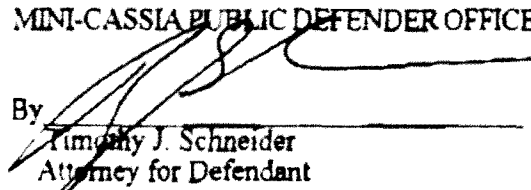
Case No. CR 2008-1984

MOTION FOR PREPARATION
OF TRANSCRIPT

COMES NOW Timothy J. Schneider, Court appointed attorney for the above-named Petitioner, and moves the Court to provide the Petitioner with a copy of the transcript from the Defendant's Preliminary Hearing held June 27, 2008. The Defendant also requests that this transcript be prepared at Cassia County expense, as the Defendant is indigent.

DATED This 15 day of August, 2008.

MINI-CASSIA PUBLIC DEFENDER OFFICE

By 
Timothy J. Schneider
Attorney for Defendant

MOTION FOR PREPARATION OF TRANSCRIPT - 1

000061

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 5th day of August, 2008, I served a true and correct copy of the foregoing document upon the attorney named below in the manner noted:

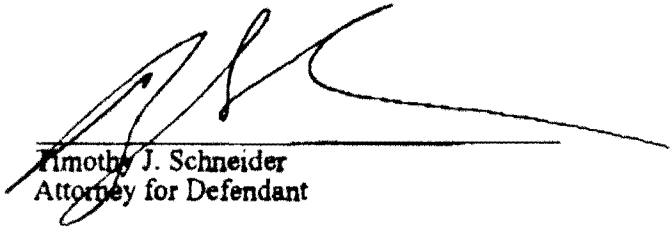
Blaine Cannon
Prosecuting Attorney
P.O. Box 7
Burley, ID 83318

_____ By depositing copies of the same in the United States Mail, postage prepaid, at the Burley Post Office in Burley, Idaho.

_____ By hand delivering copies of the same to the office of the attorney at the address above indicated.

X By telecopying copies of the same to said attorney at his/her telecopy number 208-878-2924.

_____ By delivering a copy thereof to said attorney's mail file or basket at the Cassia County Courthouse in Burley, Idaho.



Timothy J. Schneider
Attorney for Defendant

MOTION FOR PREPARATION OF TRANSCRIPT - 2

000062

Timothy J. Schnedier ISBN 6070
MINI-CASSIA PUBLIC DEFENDER OFFICE
111 West 15th Street
P.O. Box 188
Burley, ID 83318
(208) 878-6801

Attorney for Petitioner

2008 AUG 18 PM 12:50

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF CASSIA

STATE OF IDAHO,

Plaintiff,

vs.

DAWN JOHNSON,

Defendant.

Case No. CR 2008-1984

ORDER FOR PREPARATION
OF TRANSCRIPTS

This matter having come before the Court on Petitioner's Motion for Preparation of Transcript of the Defendant's Preliminary Hearing held June 27, 2008 and good cause appearing therefor;

IT IS HEREBY ORDERED that the Transcript of the Defendant's Preliminary Hearing held June 27, 2008, be prepared for, and delivered to, counsel for the Defendant.

IT IS FURTHER ORDERED that such be prepared by the 22 day of September 2008, at the expense of the County as said Defendant is indigent. *from PD transcript budget*

DATED This 18 day of August, 2008.


MICHAEL R. CRABTREE
District Judge

ORDER FOR PREPARATION OF TRANSCRIPTS - 1

000063

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 18 day of August, 2008, I served a true and correct copy of the foregoing document upon the attorney named below in the manner noted:

Blaine Cannon
Prosecuting Attorney
P.O. Box 7
Burley, ID 83318

Timothy J. Schneider
Public Defender
P.O. Box 188
Burley, ID 83318

Denise K. Schloder
Court Reporter
1459 Overland Rm 208
Burley, ID 83318

Cassia Auditor

- _____ By depositing copies of the same in the United States Mail, postage prepaid, at the Burley Post Office in Burley, Idaho.
- _____ By hand delivering copies of the same to the office of the attorney at the address above indicated.
- _____ By telecopying copies of the same to said attorney at his/her telecopy number _____.
- _____ By delivering a copy thereof to said attorney's mail file or basket at the Cassia County Courthouse in Burley, Idaho.

LARRY A. MICKELSEN
Clerk of the Court

[Signature]
Deputy Clerk

ORDER FOR PREPARATION OF TRANSCRIPTS - 2

000054

Williams Law Office Chtd.
Tim J. Williams / ISB# 3910
PO Box 282
401 Gooding Street N, Suite 101
Twin Falls, ID 83303-0282
Telephone: 208-736-0699
Fax: 208-736-0508

2008 SEP 29 PM 3:56

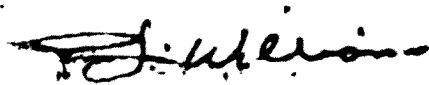
Attorney for the Defendant

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE
OF IDAHO, IN AND FOR THE COUNTY OF CASSIA

| | | |
|----------------------|---|---------------------|
| STATE OF IDAHO, |) | |
| |) | Case No. CR-08-1984 |
| Plaintiff, |) | |
| |) | |
| v. |) | MOTION TO CONTINUE |
| |) | HEARING |
| DAWN MARCEL JOHNSON, |) | |
| |) | |
| Defendant, |) | |
| _____ |) | |

COMES NOW Tim J. Williams of Williams Law Office Chtd., Attorney for the Defendant and hereby moves this court to continue the hearing for the above entitled matter scheduled on September 30, 2008. This motion is based upon the fact that this counsel was just obtained by the Defendant to represent her. This hearing shall be rescheduled to October 14, 2008 at 8:30 a.m.

DATED this 29 day of Sept, 2008.



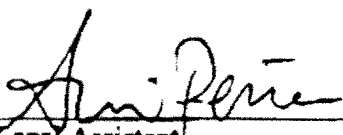
Tim J. Williams
Attorney for Defendant

CERTIFICATE OF DELIVERY

I HEREBY CERTIFY that on the 21 day of September, 2008, I caused a true and correct copy of the foregoing to be delivered, with all charges prepaid, by the method indicated below, addressed to:

Doug Abenroth
Cassia County Pros Atty
208-878-2924

| | |
|-------------------------------------|---------------|
| <input type="checkbox"/> | HAND DELIVERY |
| <input type="checkbox"/> | US MAIL |
| <input checked="" type="checkbox"/> | FACSIMILE |



Legal Assistant
OR Tim J. Williams

MOTION TO CONTINUE HEARING - 2

000056

Williams Law Office Chtd.
 Tim J. Williams / ISB# 3910
 PO Box 282
 401 Gooding Street N, Suite 101
 Twin Falls, ID 83303-0282
 Telephone: 208-736-0699
 Fax: 208-736-0508

2008 SEP 29 PM 4:13

Attorney for the Defendant

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE
 OF IDAHO, IN AND FOR THE COUNTY OF CASSIA

STATE OF IDAHO,

Plaintiff,

v.

DAWN MARCEL JOHNSON,

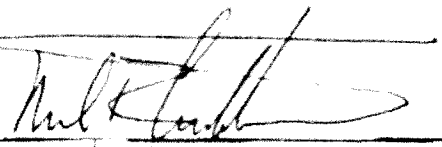
Defendant,

Case No. CR-08-1984

**ORDER TO CONTINUE
 HEARING - PTC**

IT IS HEREBY ORDERED that the ^{PTC}hearing for the above entitled matter scheduled on September 30, 2008, be continued as stipulated to by both parties, and shall be rescheduled to October 14, 2008 at 8:30 a.m.

DATED this 29 day of Sept, 2008.


 Michael A. Crabtree
 District Judge

ORDER TO CONTINUE HEARING - 1

000007

CERTIFICATE OF DELIVERY

I HEREBY CERTIFY that on the 21 day of Sept, 2008, I caused a true and correct copy of the foregoing to be delivered, with all charges prepaid, by the method indicated below, addressed to:

Doug Abenroth
Cassia County Pros Atty
208-878-2924

[] HAND DELIVERY
[] US MAIL
[☒] FACSIMILE

Tim J Williams
PO Box 282
Twin Falls, ID 83303-0282

[] US MAIL
[☒] FACSIMILE



CLERK OF THE COURT

ORDER TO CONTINUE HEARING - 2

000068

Fifth Judicial District Court - Cassia County

User: ZANONE

Minutes Report

Case: CR-2008-0001984

State of Idaho vs. Dawn M Johnson

Selected Items

| | | | |
|-------------------|---------------------|--------------------|------------|
| Hearing type: | Pretrial Conference | Minutes date: | 09/30/2008 |
| Hearing judge: | Michael R Crabtree | Start time: | 08:34 AM |
| Court reporter: | Denise Schloder | End time: | 08:34 AM |
| Minutes clerk: | Stella Sutherland | Audio tape number: | |
| Prosecutor: | County Prosecutor | | |
| Defense attorney: | Timothy J Williams | | |

Tape Counter: 843

Court addresses Counsel re: Substitution of Counsel and continuance of trial.

Doug Abenroth addresses Court re: Continuance of Trial.

Court cites the Public Defender is released.

Court in Recess.

Timothy J. Schneider ISBN 6070
MINI-CASSIA PUBLIC DEFENDER OFFICE
111 West 15th Street
P.O. Box 188
Burley, ID 83318
(208) 878-6801
fax (208) 878-3483

2008 SEP 30 11:10:18



Attorney for Defendant

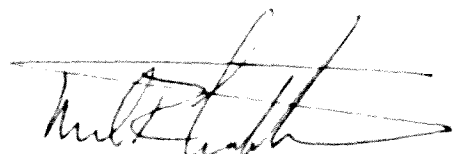
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF CASSIA

| | | |
|----------------------|---|-----------------------|
| STATE OF IDAHO, |) | Case No. CR-2008-1984 |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | ORDER DISCHARGING |
| |) | PUBLIC DEFENDER |
| DAWN MARCEL JOHNSON, |) | |
| |) | |
| Defendant. |) | |

This matter having come before the court in the above-captioned case, and good cause appearing;

IT IS HEREBY ORDERED that the Mini-Cassia Public Defender Office be, and hereby is, discharged as counsel for Dawn Marcel Johnson in the above-referenced case as the Defendant is being represented by Tim Williams, *privately retained*.

DATED this 30 day of September, 2008.



MICHAEL R. CRABTREE, District Judge

ORDER DISCHARGING PUBLIC DEFENDER -1

000670

CERTIFICATE OF SERVICE

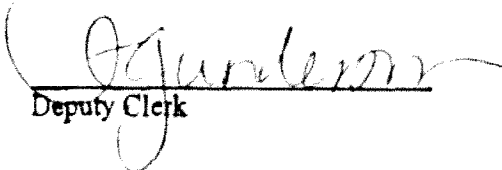
I HEREBY CERTIFY that on the 20 day of September, 2008, I served a true and correct copy of the foregoing document upon the attorney named below in the manner noted:

Deputy Prosecuting Attorney
P.O. Box 7
Burley, ID 83318

Deputy Public Defender
P.O. Box 188
Burley, ID 83318

- _____ By depositing copies of the same in the United States Mail, postage prepaid, at the Burley Post Office in Burley, Idaho.
- _____ By hand delivering copies of the same to the office of the attorney at the address above indicated.
- _____ By telecopying copies of the same to said attorney at his/her telecopy number 878-2924.
- ✓ _____ By delivering a copy thereof to said attorney's mail file or basket at the Cassia County Courthouse in Burley, Idaho.

LARRY MICKELSEN
Clerk of the Court


Deputy Clerk

ORDER DISCHARGING PUBLIC DEFENDER -2

000671

Date: 10/15/2008

Fifth Judicial District Court - Cassia County

User:
SUTHERLAND

Time: 10:53 AM

Minutes Report

Page 1 of 1

Case: CR-2008-0001984

Defendant: Johnson, Dawn M

Selected Items

| | | | |
|-------------------|---------------------|--------------------|------------|
| Hearing type: | Pretrial Conference | Minutes date: | 10/14/2008 |
| Assigned judge: | Michael R Crabtree | Start time: | 09:40 AM |
| Court reporter: | Denise Schloder | End time: | 09:40 AM |
| Minutes clerk: | Stella Sutherland | Audio tape number: | |
| Prosecutor: | County Prosecutor | | |
| Defense attorney: | Timothy J Williams | | |

Tape Counter: 958

Tim Williams present over the phone on behalf of the defendant.

Defendant present in the Court room.

Blaine Cannon present on behalf of the State.

Tim Williams addresses the Court re: Waiver of Speedy Trial; cites considerations and asks for a continuance.

Blaine Cannon agrees to the continuance and cites considerations.

Tape Counter: 1001

Tim Williams addresses the Court and cites he believes 3 days for the trial will suffice.

PTC 11/18/08 at 2:30pm.

Trial set for 12/03/08 a 4th place setting.

Tape Counter: 1002

Hearing concludes.

000072

2008 OCT 15 2:14:05

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR CASSIA COUNTY

| | | |
|-----------------------|---|-------------------------------------|
| STATE OF IDAHO, |) | |
| |) | CASE NO. CR CR-2008-0001984 D |
| Plaintiff, |) | |
| |) | |
| Vs. |) | Pre-trial Scheduling Order and |
| |) | Notice of Hearing: |
| DAWN M JOHNSON, |) | Pre-trial Conference and Jury Trial |
| 603 Golden Spur Drive |) | |
| Filer, ID 83328 |) | |
| |) | |
| DOB: [REDACTED] |) | |
| |) | |
| Defendant. |) | |

The above-entitled criminal case came on for Arraignment on the 15th day of July, 2008. The defendant appeared in person and with his attorney, Timothy J Williams. The plaintiff, State of Idaho, appeared through its attorney, Blaine P. Cannon, Deputy Prosecutor, Cassia County Prosecuting Attorney's Office.

The Court advised defendant of his constitutional rights. The Defendant acknowledged that he/she understood his/her rights. The Court advised the defendant of the right to delay entry of plea. The Defendant then entered a plea of "not guilty" to all charges alleged in the Information and requested jury trial.

NOW, THEREFORE, IT IS HEREBY ORDERED AS FOLLOWS, pursuant to Rules 12, 16 and 18, Idaho Criminal Rules:

000073

1). JURY TRIAL DATE: The jury trial in this matter is scheduled to begin on Wednesday, December 03, 2008, at the hour of 09:00 AM. Counsel are required to appear thirty (30) minutes prior to trial for a status conference in chambers.

2). Alternate Judges: Notice is hereby given that the presiding Judge assigned to this case intends to utilize the provisions of I.C.R. 25 (a)(6) and that an alternate judge may be assigned to preside over the trial of this case. Unless a party has previously exercised their right to disqualification without cause pursuant to Rule 25(a)(1), Idaho Criminal Rules, each party shall have the right to file one (1) motion for disqualification without cause as to any alternate judge not later than fourteen (14) days after service of this written notice listing the alternate judges. Notice is also given that if there are multiple defendants, any disqualification pursuant to I.C.R. 25(a)(1) is subject to a prior determination under I.C.R. 25(a)(3). The panel of alternate Judges consists of the following Judges who have otherwise not been disqualified on this action: Judges Bevan, Butler, Stoker, Elgee, Higer, Hurlbutt, Meehl, Melanson, and Wood.

3). Appearance of Defendant: Pursuant to Rule 43, Idaho Criminal Rules, the defendant is required to be personally present in court at the following proceedings: arraignment; status and pre-trial conferences; hearings on all motions and arguments on questions of law (including but not limited to motions regarding bail, motions for suppression of evidence, motions in limine regarding evidence at trial); at every stage of trial including impaneling of the jury and return of the verdict. Failure of the defendant to attend court as required may result in the forfeiture of bond and the issuance of a bench warrant for the arrest of defendant.

4). Pre-trial Conference: A pre-trial conference will be held on Tuesday, November 18, 2008, at the hour of 02:30 AM. The defendant is required to be present at the Pretrial Conference. Failure of the defendant to attend will result in the issuance of a bench warrant for the defendant's arrest, and will result in the jury trial being vacated and will be considered as a factor in determining whether the defendant waived his right to a speedy trial.

5). Motions: All motions based on Rule 12, Idaho Criminal Rules, and any other motions, including motions in limine and motions to dismiss, must be filed and scheduled to be heard no later than thirty (30) days prior to the pre-trial conference, unless good cause is shown to depart from this timeframe. All motions must be accompanied by such supporting affidavits as may be required, together with a mandatory memorandum of law that sets forth the specific issue to be addressed in the motion and sets forth the authority in support of the motion. The Clerk will not schedule the motion for hearing until both the motion and the accompanying memorandum of law are filed. Pursuant to Rule 45, hearings on motions may not be scheduled sooner than seven days following service together with three days for service by mail, and upon objection shall be vacated if not timely scheduled.

6). Discovery Cut-off: All discovery pursuant to Rules 15 and 16, Idaho Rules of Criminal Procedure, shall be completed no later than fourteen (14) days prior to the pre-trial conference. Additionally, counsel for the parties shall have disclosed to each other, in writing, no later than fourteen (14) days prior to the pre-trial conference, the names and addresses of all witnesses the party intends to call at trial. This order does not apply to the State's rebuttal witnesses.

7). Further Evidence disclosure requirements: In the event either party intends to introduce evidence at trial pursuant to Rules 404, 405, 406, 410, 412, 608

and 609, such evidence must be disclosed by written notification served on the opposing party shown to depart from this timeframe.

8). Sanctions: Failure to comply with this order will be grounds for imposition of sanctions that may include the following: costs incurred for subpoenas and witness travel expenses; exclusion of witnesses or evidence; jury costs; attorneys fees.

9). Pleas of Guilty: In the event a defendant wishes to enter a plea of guilty, the following procedures will apply before the court will accept a plea:

a. The defendant is required to complete, sign and file a Guilty Plea Advisory form document;

b. If there is a plea agreement, the agreement will be written and signed by counsel for each party and by the defendant, and then filed with the court;

c. If the Defendant wishes to enter a plea of guilty, written notification of the same is to be filed with the court, signed by the defendant; Trial will not be vacated unless the written and signed notification of intent to plead guilty is filed prior to the trial date;

d. A specific time will be scheduled by the Clerk for the change of plea hearing. Changes of plea will not be conducted during arraignment or at pre-trial conference.

10). Continuances: A continuance of trial will not be granted by the court except upon written stipulation stating the good cause for vacating trial, signed by counsel for each party and by the defendant. If the continuance will result in delay of trial beyond the time frame for conducting speedy trial, the continuance will not be granted unless the defendant signs and files a written waiver of his/her right to speedy trial which acknowledges his right and which expressly waives the right.

11). Mediation: In the event the parties wish to explore mediation, they shall file a request for mediation, signed by counsel for each party and by the defendant. If the parties are unable to mutually agree upon a mediator, the court will appoint one upon being advised of the necessity to do so.

DATED this 15 day of October, 2008.



MICHAEL R. CRABTREE
District Judge

CERTIFICATE OF MAILING

I hereby certify that on this ____ day of October, 2008, I caused to be served a true and correct copy of the foregoing document, by the method indicated below, and addressed to the following:

1. County Prosecutor
P.O. Box 7
Burley, ID 83318

____ Courthouse Box
____ U.S. Mail
____ Other

2. Timothy J Williams
PO Box 282
Twin Falls, ID 83303

____ Courthouse Box
____ U.S. Mail
____ Other

STELLA SUTHERLAND
Deputy Clerk

000078

2011/11/18 11:04:13

Date 11/18/2008

Fifth Judicial District Court - Cassia County

User TARA

Time 02:50 PM

Minutes Report

Page 1 of 2

Case CR-2008-0001984

Defendant: Johnson, Dawn M

Selected Items

| | | | |
|-------------------|---------------------|--------------------|------------|
| Hearing type: | Pretrial Conference | Minutes date | 11/18/2008 |
| Assigned judge: | Michael R Crabtree | Start time: | 02:35 PM |
| Court reporter: | Denise Schloder | End time: | 02:35 PM |
| Minutes clerk: | Tara Gunderson | Audio tape number: | |
| Prosecutor: | Blaine Cannon | | |
| Defense attorney: | Timothy J Williams | | |

Tape Counter: 235 The defendant is NOT present with Counsel Timothy Williams

Blaine Cannon is present on behalf of the State of Idaho.

Tape Counter: 236 Timothy Williams addresses the Court; reviews status of case; cites they will not be prepared for trial by the scheduled trial date; reviews possible suppression issues and limine issues; cites considerations.

Tape Counter: 240 The Court inquires of Counsel re: trial time.

Timothy Williams cites 3-4 days

Blaine Cannon cites 3 days; cites it could take 4 days; cites considerations

Tape Counter: 242 Blaine Cannon reviews that the State did make an offer prior to the preliminary hearing and subsequently withdrew the offer as the defendant proceeded forward with the preliminary hearing; does not intent to extend any other offers.

Tape Counter: 243 The Court vacated the trial set for December 03, 2008

The Court resets trial for February 03, 2009 as 3rd place setting
Pretrial Conference January 13, 2009 at 3:00 p.m.
Pretrial Motions to be heard on January 05, 2009 at 10:00 a.m.

Tape Counter: 246 Blaine Cannon addresses the Court; makes a motion for the Court to impose conditions of release; cites considerations

Timothy Williams addresses the Court.

000079

Date 11/18/2008

Fifth Judicial District Court - Cassia County

User TARA

Time 02:50 PM

Minutes Report

Page 2 of 2

Case CR-2008-0001984

Defendant: Johnson, Dawn M

Selected Items

Tape Counter: 247

The Court orders random testing - minimum of 1 time per week at misdemeanor probation as a condition of release. First test to be by November 21, 2008.

The State to prepare order re: bond conditions.

The Court addresses the defendant.

Tape Counter: 250

Hearing concludes.

000080

ALFRED E. BARRUS (ISB #1704)

Prosecuting Attorney

BLAINE P. CANNON (ISB #5575)

Deputy Prosecuting Attorney

DOUGLAS G. ABENROTH (ISB #7181)

Deputy Prosecuting Attorney

Cassia County, Idaho

1918 Overland Avenue

Post Office Box

Burley, Idaho 83318

Telephone: 208-878-0419

Facsimile: 208-878-2924

Attorneys for State of Idaho

08-48

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF CASSIA

STATE OF IDAHO,

Case No. CR-2008-01984 D

Plaintiff,

vs.

**ORDER AMENDING CONDITIONS
OF RELEASE ON BOND**

DAWN JOHNSON,

Defendant.

Having come before this Court on November 18, 2008,

IT IS HEREBY ORDERED that Defendant's Conditions of Release on Bond be amended to include the following conditions:

That the defendant shall submit to once weekly random urinalysis testing at the Misdemeanor Probation Office in Burley, Idaho, at her own expense beginning no later than 5:00 p.m. on *November 21, 2008*. A positive test or failure to submit to a test will be considered a violation of this Order and will result in the revocation of any bond previously posted and will result in the issuance of an arrest warrant.

DATED this *20* day of *November*, 20*08*.


District Judge

ORDER AMENDING CONDITIONS OF RELEASE ON BOND - 1

Idaho County Criminal Mo. Orders, Objections, Stop Defendants Order Amend Conditions of Bond Release Johnson

000081

1
2
3 CLERK'S CERTIFICATE OF MAILING

4 I hereby certify that a true and correct copy of the foregoing Order Amending
5 Conditions of Bond Release was mailed, postage prepaid, this 20 day of November,
6 2009, to the following:

7 Blaine P. Cannon
8 Deputy Prosecuting Attorney
9 P.O. Box 7
10 Burley, ID 83318

11 Tim Williams
12 Attorney at Law
13 P.O. Box 282
14 Twin Falls, Idaho 83303

15 Mike Duncan - FAX
16 Adult Misd. Probation Officer
17 1500 Albion Avenue, #1
18 Burley, Idaho 83318

LARRY A. MICKELSEN
CLERK OF THE DISTRICT COURT

19 By [Signature]
20 Deputy Clerk
21
22
23
24
25
26
27
28

ORDER AMENDING CONDITIONS OF RELEASE ON BOND - 2

H. Shantel County Criminal Mo. Orders - Objections - Stop Defendants Order Amend Conditions of Bond Release - Johnson wpd

000082

MEDTOX LABORATORIES INC.
402 WEST COUNTY ROAD D
ST. PAUL, MN 55112
651-636-7466

Jennifer A. Collins, Ph.D.

9999

COMPUTER-GENERATED LABORATORY REPORT

95034
MINI-CASSIA MISDEMEANOR PROBAT
ATTN: MIKE DUNCAN
1500 ALBION AVE #1
BURLEY, ID 83318

PATIENT NAME
JOHNSON, DAWN

PATIENT I.D. NO. AGE SEX SPECIMEN
V9648275 H0165015

| DATE COLLECTED | TIME COLLECTED | DATE RECEIVED | DATE REPORTED |
|-------------------|-------------------|------------------|-----------------------|
| 11/21/2008 | | 11/22/2008 | 11/26/2008 10:32AM |

RUBY

| TEST(S) REQUESTED ----- | RESULTS ----- | UNITS THERAPEUTIC RANGE ----- |
|--|------------------|----------------------------------|
| EXPANDED AMPHETAMINES CONFIRMATION GC/MS CONFIRMATION | | |
| RESULT | +++POSITIVE+++ | |
| AMPHETAMINE | 212 | ng/ml |
| METHAMPHETAMINE | 759 | ng/ml |

Certified by: WICKLUND, RENEE
CHIRAL METHAMPHETAMINE ANALYSIS
D-METHAMPHETAMINE 94 %
L-METHAMPHETAMINE 6 %

QUANTITATIVE CONFIRMATION OF ANALYTES IS PERFORMED BY GC/MS
(GAS CHROMATOGRAPHY WITH MASS SPECTROMETRY). RESULTS ARE REPORTED
TO THE LIMIT OF QUANTITATION (LOQ) FOR THE ANALYSIS.

DRUGS TESTED
AMPHETAMINE, METHAMPHETAMINE, MDA AND MDMA

STEREIOISOMERIC ANALYSIS OF METHAMPHETAMINE (D AND L ISOMERS) IS
PERFORMED WHEN METHAMPHETAMINE IS POSITIVE.
COCAINE MTB QUANT 50
RESULT NEGATIVE

ANALYSIS FOR BENZOYLECGONINE (COCAINE METABOLITE) IS
PERFORMED BY GAS CHROMATOGRAPHY WITH MASS SPECTROMETRY (GC/MS).
QUANTITATIVE RESULTS ARE REPORTED TO 50 NG/ML.

** FINAL REPORT **

Collected at 0000000000

000083

MEDTOX LABORATORIES FAX Server Reported: 1 Specimens on 11/26/2008 10:32 AM
H8165015

Your autofax group is: RM95034
Please refer to this group when calling for assistance

End of report

000084

Williams Law Office Chtd.
 Tim J. Williams/ISB #3910
 PO Box 282
 401 Gooding Street N, Suite 101
 Twin Falls, ID 83303-0282
 208-736-0699

NOV 25 P 5:31

GOLDEN

Attorney for the Defendant


IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE
 OF IDAHO, IN AND FOR THE COUNTY OF CASSIA

| | | |
|----------------------|---|---------------------|
| STATE OF IDAHO, |) | |
| |) | Case No. CR-08-1984 |
| Plaintiff, |) | |
| |) | |
| v. |) | AFFIDAVIT OF |
| |) | AMI PENA |
| DAWN MARCEL JOHNSON, |) | IN SUPPORT OF |
| |) | FILING UA RESULTS |
| Defendant, |) | |
| |) | |

COMES NOW your affiant and hereby swears upon oath and deposes as follows:

1. This office received the attached results from Sitman Inc. of the drug screens voluntarily submitted to by the Defendant Dawn Marcel Johnson.
2. Testing was done at 11:30 am at Sitman Inc. and at 2:40 pm also at Sitman Inc. These tests were given by Dena Allen and witnessed by Laurel Manell.
3. The results of this test show negative for all substances except for opiates, for which the Defendant has a current legal prescription for oxycontin also attached.
4. The Defendant also tested at Cassia County Probation and Parole in between the two above mentioned tests and tested positive for amphetamines, which directly contradicts the test taken before and after her test at Probation and Parole.

Dated this 25th day of November, 2008


 Ami Pena

AFFIDAVIT OF AMI PENA-1

000085

STATE OF IDAHO)

)

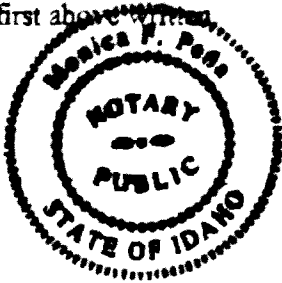
COUNTY OF)

ss:

TWIN FALLS)

On this 25 day of November, 2008, before me the undersigned, a Notary Public for the State of Idaho personally appeared Ami Pena, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he/she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.



Monica P. Pena
NOTARY PUBLIC FOR IDAHO
Residing at: TWIN FALLS, ID 83301
My Commission Expires: 2-4-2014

AFFIDAVIT OF AMI PENA-2

000086

CERTIFICATE OF DELIVERY

I HEREBY CERTIFY that on the ____ day of November, 2008, I caused a true and correct copy of the foregoing to be delivered, with all charges prepaid, by the method indicated below, addressed to:

Cassia County Pros.
Blaine Cannon
208-878-2924

| | | |
|--------------------------|--------------------------|---------------|
| <input type="checkbox"/> | <input type="checkbox"/> | HAND DELIVERY |
| <input type="checkbox"/> | <input type="checkbox"/> | US MAIL |
| <input type="checkbox"/> | <input type="checkbox"/> | FACSIMILE |

Legal Assistant
OR Tim J. Williams

AFFIDAVIT OF AMI PENA-3

000087



Sitman Inc

202 1st Ave N., Suite B.
Twin Falls, Idaho 83301
Phone: (208) 732-6112 • Fax: (208) 732-6116

Fax Cover Sheet

Date: 11-25-08

Recipient: Amie

Company: Tim Williamson Attorney

Fax Number: 736-0508

Number of Pages: 2 (Including cover)

Notes: test Results for Dawn
I sent her with the actual test.
The results will last be valid approx
7 minutes after the test.
that
Dena

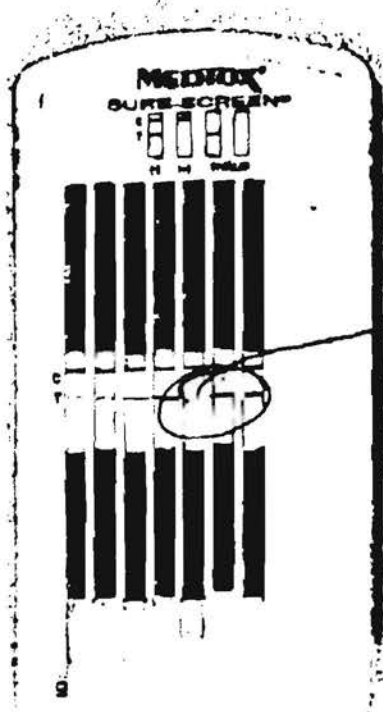
CONFIDENTIAL

This facsimile, including any attachments, contains information that may be confidential or privileged, and is intended solely for the entity or individual to whom it is addressed. If you are not the intended recipient, please notify us immediately by telephone and destroy all information received. You are notified that any disclosure, copying, or distribution of this message is strictly prohibited, and is protected by Federal Law.

11-25-08

2nd
test

Dawn Johnson



positive for OPI

neg on all other

witness: Dena Allen
Dena Allen

witness: David M. Allen, MD

CONFIDENTIAL

Sitman, Inc.
202 2nd Ave N., Suite B.
Twin Falls, Idaho 83301
Phone: (208) 732-6112 • Fax: (208) 732-6116

Urine Analysis & Breathalyzer results

2nd test

DATE: 11-25-08

Client Name: Dawn Johnson

| | | | | |
|---|---|---|-----------|-------|
| | | | | |
| X | 2 | 1 | POS / OAT | 15.00 |
| | | | | |

Tested by

Dana Allen

009090

**CONSENT FOR THE RELEASE OF CONFIDENTIAL
ALCOHOL OR DRUG TREATMENT INFORMATION**

I, DAWN D. JOHNSON, authorize
(Name of Patient)

Sitman, Inc. To disclose and to
(Name or general designation of the program making disclosure)

Obtain from Tim Williamson Law Office the
(Name of person or organization to which disclosure is to be made)

Following information: Assessment Results, Recommendations, Attendance, Case
Plan, Progress Reports, Discharge Summary and Program Compliance.
(Nature of the information, as limited as possible)

The purpose of the disclosure authorized herein is to: Coordination of Service
(Purpose of disclosure, as specific as possible)

I understand that my records are protected under the federal regulations governing Confidentiality of Alcohol and Drug Abuse Patient Records, 42 CFR Part 2, as well as the Health Information Portability and Accountability Act (HIPAA) of 1996, 45 CFR Parts 160 and 164 Subparts A and E, and cannot be disclosed without my written consent unless otherwise provided for in the regulations. I also understand that I may revoke this consent any time, by either written or verbal notification, except to the extent that action has been taken in reliance on it, and that in any event this consent expires automatically as follows:

11-25-2009
(Specification of the date, event or condition upon which this consent expires)

I also understand that this authorization is voluntary and that I may refuse to sign this authorization. I understand that this agency may not condition treatment, payment, enrollment or eligibility for benefits whether or not I sign this authorization, unless allowed by law. I understand that I may inspect or copy any information used or disclosed under this authorization.

Date Signed: 11-25-08

Dawn D. Johnson
Signature of Participant/Representative

Date Signed: 11-25-08

Dena Allen
Witness Signature

If signed by a personal authorized representative: description of representatives' authority



000092



Sitman Inc

202 2nd Ave N., Suite B.
Twin Falls, Idaho 83301
Phone: (208) 732-6112 • Fax: (208) 732-6116

Fax Cover Sheet

Date: 11-25-08
Recipient: Amie
Company: Tim Williamson Attorney
Fax Number: 208-736-0508
Number of Pages: 5 (including cover)
Notes: Urine Analysis for Dawn Johnson

Thank You
Dena

CONFIDENTIAL

This facsimile, including any attachments, contains information that may be confidential or privileged, and is intended solely for the entity or individual to whom it is addressed.

If you are not the intended recipient, please notify us immediately by telephone and destroy all information received. You are notified that any disclosure, copying, or distribution of this message is strictly prohibited, and is protected by Federal Law.

000093

**CONSENT FOR THE RELEASE OF CONFIDENTIAL
ALCOHOL OR DRUG TREATMENT INFORMATION**

I, DAWN M. JOHNSON, authorize
(Name of Patient)

Sitman, Inc. To disclose and to
(Name or general designation of the program making disclosure)

Obtain from Tim Williamson Law Office the
(Name of person or organization to which disclosure is to be made)

Following information: Assessment Results, Recommendations, Attendance, Case
Plan, Progress Reports, Discharge Summary and Program Compliance
(Nature of the information, as limited as possible)

The purpose of the disclosure authorized herein is to: Coordination of Service
(Purpose of disclosure, as specific as possible)

I understand that my records are protected under the federal regulations governing Confidentiality of Alcohol and Drug Abuse Patient Records, 42 CFR Part 2, as well as the Health Information Portability and Accountability Act (HIPAA) of 1996, 45 CFR Parts 160 and 164 Subparts A and E, and cannot be disclosed without my written consent unless otherwise provided for in the regulations. I also understand that I may revoke this consent any time, by either written or verbal notification, except to the extent that action has been taken in reliance on it, and that in any event this consent expires automatically as follows:

11-25-2009
(Specification of the date, event or condition upon which this consent expires)

I also understand that this authorization is voluntary and that I may refuse to sign this authorization. I understand that this agency may not condition treatment, payment, enrollment or eligibility for benefits whether or not I sign this authorization, unless allowed by law. I understand that I may inspect or copy any information used or disclosed under this authorization.

Date Signed: 11-25-08

Dawn M. Johnson
Signature of Participant/Representative

Date Signed: 11-25-08

Dena Allen
Witness Signature

If signed by a personal authorized representative: description of representatives' authority




CONFIDENTIAL

Sitman, Inc.
202 2nd Ave N., Suite B.
Twin Falls, Idaho 83301
Phone: (208) 732-6112 • Fax: (208) 732-6116

Urine Analysis & Breathalyzer results

DATE: 11/25/08

Client Name: Dawn Johnson

| | | | | | |
|--|----------|----------|----------------|--------------|--|
|  | | | | | |
| | | | | | |
| <u>2</u> | <u>1</u> | <u>1</u> | <u>DOS/DET</u> | <u>15:00</u> | |
| | | | | | |

IF you have any questions please call @
732-6112

Tested by

Dena Allen

000096

11/25/2008 11:35 FAX 120873 18

Dawn Marcel Johnson

positive for opiates



Dawn stated you are aware of her opiates.
Dated. 11.25.08

Rx **Dick** **724-7372**
PHARMACY
 825 W. SHoup AVE. W. TWIN FALLS, IDAHO 83401
Not for Sale or Transfer for profit. Subject of this drug is only person after their patient for whom prescribed

RX#N634708 N CLARK, C. PA DRF
 JOHNSON, DAWN 11/10/08
 883 GOLDEN SPUR, FILER, ID 83328
 OXYCONTIN C/R TAB 40MG
 QTY# 90 NDC#59011-0105-10 PURDUE

NO REFILLS PAT. #
 IDIPA COPAY: \$0.00
Dispense to: 0 OTHER ACCEPTED

[Barcode]

RECEIPT

DEL BAL \$ OF RPTS

*Dawn Requested
 I For this
 to you.*

*Ken @ Dick's
 Pharmacy*

000095

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR CASSIA COUNTY

STATE OF IDAHO
Plaintiff

Vs.

DAWN JOHNSON,
Defendant

CASE NO. CR 2008-1984D

AFFIDAVIT RE: CONDITION
OF DEFENDANT'S RELEASE

State of Idaho)
) ss,
County of Cassia)

COMES NOW Amber M. Prewitt, being first duly sworn on oath and deposes and says:

1. That I am employed by Cassia County and assigned to Mini-Cassia Misdemeanor Probation Department in the enforcement of probationary terms and Court ordered conditions of release of Defendants from incarceration. That I make this affidavit on the basis of my own personal knowledge and in support of a WARRANT OF ARREST for the above named Defendant.
2. That the above named Defendant was released from incarceration on the terms and conditions stated upon the attached Exhibit which is incorporated by this reference as if fully set forth herein. The conditions of release required that the Defendant submit to evidentiary testing for the presence of controlled substance one(1) time weekly at the office of Misdemeanor Probation.

000033

3. That the Defendant has

- ☐ Failed to report for testing.
- ☐ Failed, tested positive for Methamphetamines on November 21, 2008.
- ☐ Failed to provide a sufficient testable sample on NA.

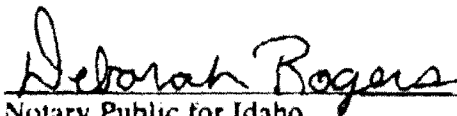
4. Upon information and belief, your Affiant asserts that the above named Defendant
Has violated a condition of release from incarceration.



Amber Prewitt

Mini-Cassia Misdemeanor Probation

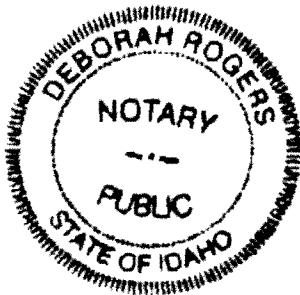
SUBSCRIBED AND SWORN to before me this 26th day of November, 2008.



Notary Public for Idaho

Residing at: Paul, Idaho

Commission expires: 2-22-2014



000100

1 ALFRED E. BARRUS (ISB #1704)
Deputy Prosecuting Attorney
2 BLAINE P. CANNON (ISB #5575)
Deputy Prosecuting Attorney
3 DOUGLAS G. ABENROTH (ISB #7181)
Deputy Prosecuting Attorney
Cassia County, Idaho
1918 Overland Avenue
Post Office Box 7
4 Burley, Idaho 83318
Telephone 208-878-0419
Facsimile 208-878-2924

5 Attorneys for State of Idaho

7 IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
8 STATE OF IDAHO, IN AND FOR THE COUNTY OF CASSIA

9
10 STATE OF IDAHO,

Case No. CR-2008-01984*D

11 Plaintiff,

MOTION TO REVOKE BOND

12 vs

13 DAWN JOHNSON,

14 Defendant.

15 COMES NOW Blaine Cannon, Cassia County Deputy Prosecutor, and moves the
16 court to revoke bond in the above entitled case.

17 This Motion is based on the defendant testing positive for methamphetamine on
18 November 21, 2008, as described in the Affidavit from the Misdemeanor Probation Office.

19 DATED this 26 day of November, 2008.

20 BLAINE P. CANNON
Deputy Prosecuting Attorney

21 
22
23
24
25
26
27
28

MOTION TO REVOKE BOND -1

H. Shanel County Criminal Mo. Orders, Objections, Sup. Mo. Revoke Bond-District CT.wpd

009101

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the foregoing Motion To Revoke Bond was mailed, postage prepaid, this 26 day of November, 2008, to the following:

Tim Williams
Attorney at Law
P.O. Box 282
Twin Falls, Idaho 83303

BLAINE P. CANNON
Deputy Prosecuting Attorney



2008-12-12 1:09

Date: 12/12/2008

Fifth Judicial District Court - Cassia County

User:
SUTHERLAND

Time: 01:44 PM

Minutes Report

Page 1 of 1

Case: CR-2008-0001984

Defendant: Johnson, Dawn M

Selected Items

| | | | |
|-------------------|--------------------|--------------------|------------|
| Hearing type: | Motion | Minutes date: | 12/09/2008 |
| Assigned judge: | Michael R Crabtree | Start time: | 10:28 AM |
| Court reporter: | Denise Schloder | End time: | 10:28 AM |
| Minutes clerk: | Stella Sutherland | Audio tape number: | |
| Prosecutor: | County Prosecutor | | |
| Defense attorney: | Timothy J Williams | | |

Tape Counter: 1029 Defendant present with her attorney Tim Williams.

Doug Abenroth present on behalf of the State.

Doug Abenroth addresses the Court and argues his motion.

Tape Counter: 1030 Tim Williams addresses the Court re: State's motion; cites considerations.

Tape Counter: 1037 Doug Abenroth addresses the Court and continues to argue his motion.

Tape Counter: 1038 Court DENIES the State's motion without prejudice, cites considerations.

Tape Counter: 1039 Hearing concludes.

000103

1 ALFRED E. BARRUS (ISB #1704)

2 BLAINE P. CANNON (ISB #5575)

3 DOUGLAS G. ABENROTH (ISB #7181)

4 Cassia County, Idaho

5 1918 Overland Avenue

6 Post Office Box 7

7 Burley, Idaho 83318

8 Telephone 208-878-0119

9 Facsimile 208-878-2924

10 Attorneys for State of Idaho
11 08-48

12 IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
13 STATE OF IDAHO, IN AND FOR THE COUNTY OF CASSIA

14 STATE OF IDAHO,

Case No. CR-2008-01984*D

15 Plaintiff,

ORDER DENYING STATE'S
MOTION TO REVOKE BOND

16 vs.

17 DAWN M. JOHNSON,

18 Defendant.

19 The State's Motion to Revoke Bond having come before this Court on December 9,
20 2008; the Court having heard argument of counsel for the respective parties; and having been fully
21 advised in the premises;

22 IT IS HEREBY ORDERED that State's Motion to Revoke Bond, be and hereby is
23 denied in all respects.

24 DATED this 15th day of December, 2008.

25 
26 District Judge

27 ORDER DENYING DEFENDANT'S MOTION - 1

28 H:\Shantel County Criminal Mo. Orders, Objections, Stip Order Deny Motion Revoke Bond.wpd

000104

CLERK'S CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the foregoing Order was mailed,
postage prepaid, this 15 day of December, 2008, to the following:

Blaine P. Cannon
Deputy Prosecuting Attorney
P. O. Box 7
Burley, ID 83318

Tim Williams
Attorney at Law
P.O. Box 282
Twin Falls, Idaho 83303

LARRY A. MICKELSEN
CLERK OF THE DISTRICT COURT

By


Deputy Clerk

ORDER DENYING DEFENDANT'S MOTION - 2

H: Shantel County Criminal Mo. Orders, Objections, Stip Order Deny Motion Revoke Bond.wpd

000105

Williams Law Office Chtd.
 Tim J. Williams / ISB# 3910
 PO Box 282
 401 Gooding Street N. Suite 101
 Twin Falls, ID 83303-0282
 Telephone: 208-736-0699
 Fax: 208-736-0508

Attorney for the Defendant

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE
 OF IDAHO, IN AND FOR THE COUNTY OF CASSIA

STATE OF IDAHO,

Plaintiff,

v.

DAWN MARCEL JOHNSON,

Defendant,

Case No. CR-08-1984

MOTION TO SUPPRESS

COMES NOW Tim J. Williams of Williams Law Office Chtd., Attorney for the Defendant and hereby moves this court for an Order suppressing all evidence relating to or obtained from, or as a result of the following:

1. Lack of probable cause or reasonable suspicion to stop the vehicle in the first place.
2. The search of the vehicle owned by Defendant after the arrest of the Swetts.
3. The search of the back area of the vehicle.
4. The search of the vehicle after tearing out the back seat.
5. The search of Defendant's purse.

DATED this 17th day of December 2008.

Tim J. Williams
 Attorney for Defendant

MOTION TO SUPPRESS - 1

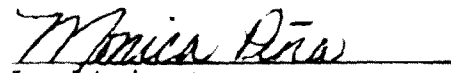
000106

CERTIFICATE OF DELIVERY

I HEREBY CERTIFY that on the 17 day of December, 2008, I caused a true and correct copy of the foregoing to be delivered, with all charges prepaid, by the method indicated below, addressed to:

Doug Abenroth
Cassia County Pros Atty
208-878-2924

| | |
|-------------------------------------|---------------|
| <input type="checkbox"/> | HAND DELIVERY |
| <input type="checkbox"/> | US MAIL |
| <input checked="" type="checkbox"/> | FACSIMILE |


Legal Assistant
OR Tim J. Williams

MOTION TO SUPPRESS - 2

000107

Williams Law Office Chtd.
 Tim J. Williams / ISB# 3910
 PO Box 282
 401 Gooding Street N, Suite 101
 Twin Falls, ID 83303-0282
 Telephone: 208-736-0699
 Fax: 208-736-0508

2008 12 17 P 1:43

TW

Attorney for the Defendant

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE
 OF IDAHO, IN AND FOR THE COUNTY OF CASSIA

| | | |
|----------------------|---|---------------------|
| STATE OF IDAHO, |) | |
| |) | Case No. CR-08-1984 |
| Plaintiff, |) | |
| |) | |
| v. |) | MOTION TO COMPEL |
| |) | |
| DAWN MARCEL JOHNSON, |) | |
| |) | |
| Defendant, |) | |
| |) | |

COMES NOW Tim J. Williams of Williams Law Office Chtd., Attorney for the Defendant and hereby moves this Court for an Order compelling the disclosure of the following:

1. Any and all attempted negotiations, successful or otherwise, with any person, in reference to testifying against Defendant, and the results of such negotiations.
2. Any tangible items including photos or recordings of any such negotiations.
3. Any and all statements of other persons expected to testify against Defendant.
4. Any tangible items relevant to such testimony by said persons such as written statements, photos or recordings.

DATED this 17th day of December 2008.

Tim J. Williams
 Attorney for Defendant

NOTICE OF MOTION TO COMPEL- 1

000108

CERTIFICATE OF DELIVERY

I HEREBY CERTIFY that on the 17 day of December, 2008, I caused a true and correct copy of the foregoing to be delivered, with all charges prepaid, by the method indicated below, addressed to:

Doug Abenroth
Cassia County Pros Atty
208-878-2924

| | | |
|-------------------------------------|-----|---------------|
| <input type="checkbox"/> |] | HAND DELIVERY |
| <input type="checkbox"/> |] | US MAIL |
| <input checked="" type="checkbox"/> | X] | FACSIMILE |



Legal Assistant
OR Tim J. Williams

NOTICE OF MOTION TO COMPEL- 2

000109

Williams Law Office Chtd.
 Tim J. Williams/ ISB# 3910
 PO Box 282
 401 2nd Street N. Suite 201
 Twin Falls, ID 83303-0282
 208-736-0699
 FAX: 736-0508

Attorney for the Defendant

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE
 OF IDAHO, IN AND FOR THE COUNTY OF CASSIA

| | | |
|-----------------|---|----------------------|
| STATE OF IDAHO, |) | |
| |) | Case No.: CR-08-1984 |
| Plaintiff, |) | |
| |) | |
| v. |) | MOTION IN LIMINE |
| |) | |
| DAWN JOHNSON, |) | |
| |) | |
| Defendant, |) | |
| _____ |) | |

COMES NOW Defendant, by and through her attorney of record, Tim J. Williams of Williams Law Office Chtd., and hereby moves this Court for an Order in Limine to disallow admission into evidence the undergoing of, or results of any Urinalysis to which Defendant was subject.

DATED this 24 day of December, 2008.


 Tim J. Williams

MOTION IN LIMINE - 1

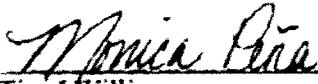
000110

CERTIFICATE OF DELIVERY

I HEREBY CERTIFY that on the 26 day of December, 2008, I caused a true and correct copy of the foregoing to be delivered via hand delivery, by placing the same in the box located at the Twin Falls County Courthouse, addressed to:

Doug Abenroth
Deputy Pros Atty
PO Box 7
Burley, ID 83318
Fax: 208-878-2924

| | |
|-------------------------------------|---------------|
| <input type="checkbox"/> | HAND DELIVERY |
| <input type="checkbox"/> | US MAIL |
| <input checked="" type="checkbox"/> | FACSIMILE |



Tim J Williams or
Legal Assistant

MOTION IN LIMINE - 2

OC0111

Date: 1/5/2009

Fifth Judicial District Court - Cassia County

User: CARPENTE

Time: 12:09 PM

Minutes Report

Page 1 of 2

Case: CR-2008-0001984

Defendant: Johnson, Dawn M

Selected Items

| | | | |
|-------------------|--------------------|--------------------|------------|
| Hearing type: | Motion | Minutes date: | 01/05/2009 |
| Assigned judge: | Michael R Crabtree | Start time: | 10:01 AM |
| Court reporter: | Denise Schloder | End time: | 12:08 PM |
| Minutes clerk: | Robin K Carpenter | Audio tape number: | District |
| Prosecutor: | Blaine Cannon | | |
| Defense attorney: | Timothy J Williams | | |

| | |
|----------------------|---|
| Tape Counter: 100114 | Judge intro to case |
| Tape Counter: 100219 | Mr Williams comments re: Motion to Compel & Satisfaction of Such |
| Tape Counter: 100314 | Mr Williams remarks re: Motion in Limine |
| Tape Counter: 100356 | Judge questions Mr Cannon re: UA results to be used at trial |
| Tape Counter: 100430 | Mr Cannon responds & puts Defendant on notice of questioning at trial |
| Tape Counter: 100529 | Mr Williams further remarks |
| Tape Counter: 100606 | Judge comments - reserved ruling on Motion in Limine |
| Tape Counter: 100654 | MOTION TO SUPPRESS |
| Tape Counter: 100710 | Mr Williams explains Suppression situation |
| Tape Counter: 101127 | Judge questions Mr Cannon re: testimony |
| Tape Counter: 101203 | Judge comments re: results of Search |
| Tape Counter: 101227 | Mr Williams remarks re: seizure of items including vehicle |
| Tape Counter: 101259 | Mr Cannon calls W1 (Andy Hitt) W1 sworn in and takes stand |
| | Mr Cannon questions W1 re: situation |
| Tape Counter: 102029 | Mr Williams objects - if offered as truth of the matter |
| | Mr Cannon responds |
| Tape Counter: 102110 | Judge overrules |
| | Mr Cannon continues |
| Tape Counter: 102440 | Mr Williams objects - same reason |
| | Judge overrules |
| Tape Counter: 102500 | Mr Cannon continues |
| Tape Counter: 103120 | Mr Cannon provides a copy of an Affidavit to witness |
| | Mr Cannon questions W1 re: Affidavit |
| Tape Counter: 103238 | W1 reviews Affidavit to refresh his memory |
| | Mr Cannon continues |
| Tape Counter: 103613 | Mr Williams remarks (although not objecting now - could possibly object at trial) |
| Tape Counter: 103630 | Mr Cannon continues |
| Tape Counter: 104340 | Bailiff to make copies of Affidavit |
| | Mr Cannon continues to question W1 |

000112

Date 1/5/2009
Time 12:09 PM
Page 2 of 2

Fifth Judicial District Court - Cassia County

User: CARPENTE

Minutes Report

Case: CR-2008-0001984

Defendant: Johnson, Dawn M

Selected Items

| | |
|----------------------|--|
| | Clerk marks State's Exh 1 |
| | Mr Cannon questions W1 re: Exh 1 |
| Tape Counter: 110050 | W1 identifies Defendant in courtroom |
| | Mr Cannon continues |
| Tape Counter: 111548 | Mr Williams questions W1 |
| Tape Counter: 113124 | Mr Cannon re-questions W1 |
| Tape Counter: 114139 | Mr Williams objects - beyond scope & irrelevant |
| | Mr Cannon withdraws & rests |
| Tape Counter: 114210 | W1 steps down - State rests |
| | State's Exh 1 returned to Mr Cannon |
| Tape Counter: 114308 | Mr Williams calls Defendant - Defendant sworn in and takes stand |
| | Mr Williams questions Defendant re: situation |
| Tape Counter: 114538 | Mr Cannon questions Defendant |
| Tape Counter: 114707 | Defendant steps down - Defense rests |
| Tape Counter: 114716 | No Rebuttal from State |
| Tape Counter: 114738 | Mr Williams - closing argument |
| | Mr Williams has provided information to Law Clerk re: Case Law |
| Tape Counter: 120107 | Mr Cannon would like to brief the issue |
| | Mr Cannon comments on situation |
| Tape Counter: 120748 | Mr Williams remarks re: State -vs- Rowe 140 Idaho 176 & 132 Idaho 698? |
| Tape Counter: 120845 | Matter taken under advisement |
| Tape Counter: 120856 | Recess |

000113

1 ALFRED E. BARRUS (ISB #1704)

2 BLAINE P. CANNON (ISB #5575)

3 DOUGLAS G. ABENROTH (ISB #7181)

4 Cassia County, Idaho

5 1918 Overland Avenue

6 Post Office Box

7 Burley, Idaho 83318

8 Telephone 208-878-0419

9 Facsimile 208-878-2924

10 Attorneys for State of Idaho

11 IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
12 STATE OF IDAHO, IN AND FOR THE COUNTY OF CASSIA

13 STATE OF IDAHO,

Case No. CR-2008-01984*D

14 Plaintiff,

MOTION TO REVOKE BOND

15 vs

16 DAWN JOHNSON,

17 Defendant.

18 COMES NOW Blaine Cannon, Cassia County Deputy Prosecutor, and moves the
19 court to revoke bond in the above entitled case.

20 This Motion is based on the defendant testing positive for methamphetamine on
21 January 7, 2009, as shown on the MedTox Laboratories Report dated January 12, 2009.

22 DATED this 14th day of January, 2009.

23 BLAINE P. CANNON
24 Deputy Prosecuting Attorney

25 *Blaine Cannon*

26 MOTION TO REVOKE BOND -1

27 H. Shantel County Criminal Mo. Orders, Objections, Sup Mo Revoke Bond-District C. Cwpd

28 060114

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the foregoing MOTION was mailed,
postage prepaid, this 14th day of January, 2011, to the following:

Tim Williams
Attorney at Law
P.O. Box 282
Twin Falls, Idaho 83303

BLAINE P. CANNON
Deputy Prosecuting Attorney



MOTION TO REVOKE BOND -2

H. Shanel County Criminal Mot. Orders, Objections, Stip Mot Revoke Bond-District Ct. and

000115

MEDTOX LABORATORIES
402 WEST COUNTY ROAD D
ST. PAUL, MN 55112
651-636-7486

Shirley A. Collins, Ph.D.

9999

COMPUTER-GENERATED LABORATORY REPORT

95034
MINI-CASSIA MISDEMEANOR PROBAT
ATTN: MIKE DUNCAN
1500 ALBION AVE #1
BURLEY, ID 83318

PATIENT NAME
JOHNSON, DAWN

PATIENT I.D. NO. AGE SEX SPECIMEN
V9579621 H8504800

| DATE COLLECTED | TIME COLLECTED | DATE RECEIVED | DATE REPORTED |
|----------------|----------------|---------------|----------------------|
| 01/07/2009 | | 01/09/2009 | 01/12/2009 2:22PM |

RUBY

TEST(S) REQUESTED

RESULTS

UNITS THERAPEUTIC RANGE

EXPANDED AMPHETAMINES CONFIRMATION GC/MS CONFIRMATION

| RESULT | +++POSITIVE+++ | |
|-----------------|----------------|-------|
| AMPHETAMINE | 163 | ng/mL |
| METHAMPHETAMINE | 242 | ng/mL |

Certified by: WILLIAMSON, SUSULA
CHIRAL METHAMPHETAMINE ANALYSIS
D-METHAMPHETAMINE >83 %
L-METHAMPHETAMINE <17 %

QUANTITATIVE CONFIRMATION OF ANALYTES IS PERFORMED BY GC/MS
(GAS CHROMATOGRAPHY WITH MASS SPECTROMETRY). RESULTS ARE REPORTED
TO THE LIMIT OF QUANTITATION (LOQ) FOR THE ANALYSIS.

DRUGS TESTED

AMPHETAMINE, METHAMPHETAMINE, MDA AND MDMA

STEREIOISOMERIC ANALYSIS OF METHAMPHETAMINE (D AND L ISOMERS) IS
PERFORMED WHEN METHAMPHETAMINE IS POSITIVE.

COCAINE MTB QUANT 50

| RESULT | NEGATIVE |
|--------|----------|
|--------|----------|

ANALYSIS FOR BENZOYLECGONINE (COCAINE METABOLITE) IS
PERFORMED BY GAS CHROMATOGRAPHY WITH MASS SPECTROMETRY (GC/MS).
QUANTITATIVE RESULTS ARE REPORTED TO 50 NG/ML.

THC (MARIJUANA) METABOLITE, URINE - NORMALIZED TO CREATININE - FORENSIC

THC (MARIJUANA) METABOLITE

| | | |
|----------------------------|----|-------------|
| THC QUANTITATION IN URINE | 17 | ng/mL |
| THC (MARIJUANA) METABOLITE | 20 | ug/gm creat |

CREATININE, URINE

| | | | |
|---------------------|----|-------|-----|
| CREATININE, URINARY | 83 | mg/dL | >20 |
|---------------------|----|-------|-----|

THC USAGE RATIO= THC MTB, ug/gm creat, LATER SPECIMEN

THC MTB, ug/gm creat, EARLIER SPECIMEN

NOTE: SPECIMENS MUST BE COLLECTED A MINIMUM OF 24 HOURS APART.

REPORT CONTINUED ON NEXT FORM

000116

CONTINUED REPORT
 MEDTOX LABORATORIES
 402 WEST COUNTY ROAD D
 ST. PAUL, MN 55112
 651-636-7466

Shirley A. Collins, Ph.D.

9999

COMPUTER-GENERATED LABORATORY REPORT

95034
 MINI-CASSIA MISDEMEANOR PROBAT
 ATTN: MIKE DUNCAN
 1500 ALBION AVE #1
 BURLEY, ID 83318

PATIENT NAME
 JOHNSON, DAWN

PATIENT I.D. NO. AGE SEX SPECIMEN
 V9579621 H8504800

DATE TIME DATE DATE
 COLLECTED COLLECTED RECEIVED REPORTED
 2:22PM

RUBY 01/07/2009 01/09/2009 01/12/2009

| TEST(S) REQUESTED | RESULTS | UNITS THERAPEUTIC RANGE |
|-------------------|---------|-------------------------|
|-------------------|---------|-------------------------|

THC USAGE RATIO >0.5 AS PREDICTOR OF NEW MARIJUANA USE:

| | |
|---------------------|---------|
| PREDICTION ACCURACY | = 85.4% |
| FALSE POSITIVES | = 5.6% |
| FALSE NEGATIVES | = 8.6% |

THC USAGE RATIO >1.5 AS PREDICTOR OF NEW MARIJUANA USE:

| | |
|---------------------|---------|
| PREDICTION ACCURACY | = 74.2% |
| FALSE POSITIVES | = 0.1% |
| FALSE NEGATIVES | = 27.0% |

(HUESTIS MA AND CONE EJ, NATIONAL INSTITUTE OF HEALTH)

NOTE: MEDTOX RECOMMENDS MAKING COMPARISONS ON SPECIMENS
 COLLECTED AT ONE WEEK INTERVALS OR LONGER.

** FINAL REPORT **

Collected at 0000000000

000117

Fifth Judicial District Court - Cassia County

User: ZANONE

Minutes Report

Case: CR-2008-0001984

State of Idaho vs. Dawn M Johnson

Selected Items

| | | | |
|-------------------|----------------------------|--------------------|------------|
| Hearing type: | Pretrial Conference/Motion | Minutes date: | 01/27/2009 |
| Hearing judge: | Michael R Crabtree | Start time: | 08 53 AM |
| Court reporter: | Maureen Newton | End time: | 08 53 AM |
| Minutes clerk: | Stella Sutherland | Audio tape number: | |
| Prosecutor: | County Prosecutor | | |
| Defense attorney: | Timothy J Williams | | |

Tape Counter: 853 Tim Williams present on behalf of the Defendant.

Blaine Cannon present on behalf of the State.

Court addresses Tim Williams re: scheduling; cites considerations.

Tim Williams addresses the Court re: Defendant absence; cites considerations.

Court addresses Counsel re: Defendant needs to be present; cites considerations.

Tape Counter: 857 Blaine Cannon argues his motion.

Tape Counter: 859 Tim Williams addresses the Court re: Plaintiff's motion; cites considerations.

Court addresses Counsel re: Will Revoke Bond; cites considerations.

Bail set at \$100,000.

Tim Williams addresses the Court re: Motion for reduction of Bond Hearing.

Court addresses Counsel.

Hearing Concludes.

000118

1 ALFRED E. BARRUS (ISB #1704)

2 BLAINE P. CANNON (ISB #5575)

3 DOUGLAS G. ABENROTH (ISB #7181)

4 Cassia County, Idaho

5 1918 Overland Avenue

6 Post Office Box

7 Burley, Idaho 83318

8 Telephone 208-878-0119

9 Facsimile 208-878-2924

10 Attorneys for State of Idaho
11 08-48

12 IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
13 STATE OF IDAHO, IN AND FOR THE COUNTY OF CASSIA

14 STATE OF IDAHO,

Case No. CR-2008-01984*D

15 Plaintiff,

ORDER REVOKING BOND

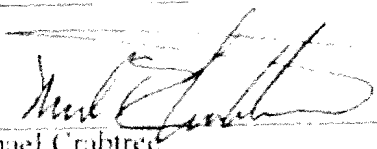
16 vs

17 DAWN JOHNSON,

18 Defendant.

19 IT IS HEREBY ORDERED that bond in the above entitled case be revoked and the
20 Defendant is to report back to the Mini-Cassia Criminal Justice Center and bail is set at
21 \$ 100,000

22 DATED this 27th day of Jan., 20 09.

23 
24 Michael Crabtree
25 District Judge
26
27
28

ORDER REVOKING BOND -I

H. Shantel County Criminal Mot. Orders, Objections, Sup. Order Revoking Bond-District Ct. Wpd

000119

1 CLERK'S CERTIFICATE OF MAILING

2 I hereby certify that a true and correct copy of the foregoing ORDER was mailed,
3 postage prepaid, this 28 day of November, 2006, to the following:

4 Blaine P. Cannon
5 Deputy Prosecuting Attorney
6 P.O. Box 7
7 Burley, ID 83318

8 Tim Williams
9 Attorney at Law
10 P.O. Box 282
11 Twin Falls, Idaho 83303

12 Misdemeanor Probation Office
13 1500 Albion Avenue, #1
14 Burley, Idaho 83318

LARRY A. MICKELSEN
CLERK OF THE DISTRICT COURT

15 By  Deputy Clerk

16
17
18
19
20
21
22
23
24
25
26
27
28
ORDER REVOKING BOND -2

11 Shantel County Criminal Mo. Orders, Objections, Supp Order Revoking Bond-District Ct wpd

000120

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF CASSIA

THE STATE OF IDAHO,

Plaintiff,

vs.

DAWN MARCIEL JOHNSON

Defendant.

)
) Case No. CR-2008-0001984

)
) MOTION TO SET ASIDE NOTICE OF
) BOND FORFEITURE AND REINSTATE
) BAIL BOND

Date of Notice of Bail Bond Forfeiture: 01/27/09

JACK E. GREEN, having posted bail bond
for the defendant, and the Notice of Bond Forfeiture having been
issued by this Court, moves this Court for an Order setting aside
the Notice of Bond Forfeiture for bond and reinstating the bond
pursuant to authority set forth in Idaho Criminal Rule 46(e) for
the following reasons:

The defendant has made arrangements to do a voluntary
surrender. We would appreciate your consideration to reinstate
this bond.

MOTION TO SET ASIDE NOTICE
OF BOND FORFEITURE-1

OC0121

By this motion, I hereby give my written consent to the Court
to reinstate the bail bond previously posted.

Dated this 29TH day of JANUARY, 20 09


JACK E. GREEN, AGENT
Person Posting Bail Bond

STAPLE DISCHARGE/EXONERATION SLIPS HERE

Date of Bond : 04/04/08
Bond Amount : \$50,000.00
Power of Atty.#: S50-1483814
Charge : 2 COUNTS POSS & TRAFFICING

MOTION TO SET ASIDE NOTICE
OF BOND FORFEITURE-2

000122

FAX TRANSMITTAL

DATE: 1/29/09

TIME: 11:30 am

FAX #: 878-1003
736-0508TO: Cassia Co. Court Service Phone #: 878-0180
736-0699

cc Atty Tim Williams

Pages Including cover: 4

FROM: FAST BAIL BOND, inc.
Jack & Velma Green
315 East Avenue D
Wendell, ID 83355Fax#: (208) 536-6510
PH #: 1-800- 513 -9681
(208) 735-0030

RE: Reinstate Bond on Case# CR-08-1984

COMMENTS:

Thanks for your help. Please
call if you have any questions.

FBB

Thank you for your assistance.
Jack & Velma Green

RETURN FAX TO: FAST BAIL BOND, inc. (208) 536-6510

Date:

From:

Fax#:

Your Comments:

000123

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR
CASSIA COUNTY

| | | |
|-----------------------|---|-------------------------------|
| STATE OF IDAHO, |) | |
| |) | CASE NO. CR-2008-0001984 |
| Plaintiff, |) | |
| |) | |
| Vs. |) | |
| |) | EX PARTE BAIL BOND FORFEITURE |
| Dawn M Johnson |) | ORDER |
| 603 Golden Spur Drive |) | |
| Filer, ID 83328 |) | |
| Defendant. |) | |
| |) | |
| DOB: [REDACTED] |) | |
| |) | |
| Defendant. |) | |
| |) | |

This matter was duly noticed for hearing to be held on January 29, 2009. The files and records reflect that the Defendant was given proper notice of hearing and the defendant was required as a condition of bail to appear at all Court hearings.

The defendant did not appear as required. The Defendant has not presented good or sufficient cause for failing to appear. The Court directed that this be noted in the minutes and on the record.

The Court perceives this as a matter of discretion, See I.C. § 19-2927; Rule 46(e), ICR; and State v. Fry, 128 Idaho 50 (Ct.App.1994), and hereby Orders that Defendant's bail bond specified below is hereby forfeited, as indicated, and the

Clerk shall give notice of forfeiture to the person posting bail. Forfeiture may be set aside or discharged if the Defendant appears before the Court within 180 days, or the Defendant otherwise presents sufficient excuse for the failure to appear, pursuant to I.C. § 19-2927:

TYPE OF BOND: SURETY

Date of Bond: 4/4/2008

Bond Amount: \$ 50000.00

Power Of Atty #: S50-1483814

Amount Forfeited:\$ 50000.00

DATED this 29 of January, 2009.




Michael R. Crabtree
District Judge

000125

CERTIFICATE OF MAILING

I hereby certify that on this 21 of January, 2009, I caused to be served a true and correct copy of the foregoing document, by the method indicated below, and addressed to the following:

- | | |
|---|--|
| 1. Blaine Cannon Deputy Prosecuting Attorney 1918 Overland Avenue P.O. Box 7 Burley, ID 83318 | <input checked="" type="checkbox"/> Courthouse Box <input type="checkbox"/> U.S. Mail <input type="checkbox"/> Other |
| 2. Timothy J Williams PO Box 282 Twin Falls, ID 83303 | <input type="checkbox"/> Courthouse Box <input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Other |
| 3. Fast Bail Bonds Jack E Green 315 D. Ave. East Wendell, ID 83355 | <input type="checkbox"/> Courthouse Box <input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Other |
| 4. Safety National Casualty Corp 1832 Schuetz Rd St Louis, MO 63146-3540 | <input type="checkbox"/> Courthouse Box <input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Other |



Stella Sutherland
Deputy Clerk

2009-01-29 11:21:19

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF
IDAHO, IN AND FOR THE COUNTY OF CASSIA

| | | |
|-----------------|---|-------------------------|
| STATE OF IDAHO, |) | |
| |) | |
| Plaintiff, |) | |
| |) | CASE NO. CR 2008-1984 D |
| vs. |) | |
| |) | |
| DAWN JOHNSON, |) | |
| |) | |
| Defendant. |) | |

Memorandum Decision Denying in Part and Granting in Part
Defendant's Motion to Suppress Evidence

Before the Court is the defendant's motion to suppress evidence. Hearing on the motion was held on January 5, 2009, at which time the Court took the matter under advisement. The state was represented by Blaine Cannon, and the defendant was represented by Tim Williams.

FACTS

The Court finds that the following facts were proved by a preponderance of substantial, competent evidence at the hearing on this motion, which consisted of testimony of the arresting officer and of the defendant.

At approximately 9:00 p.m. on January 26, 2008, Idaho State Police Trooper Andrew Hitt arrived at Fridal's Truck Stop at the Sublett exit on I84 in Cassia County in

response to a dispatch. Upon Hitt's arrival, the owner of the truck stop, Chad Fridal, told Hitt that while cleaning his store near the bathrooms he had found a small zip lock style bag containing balloons. Fridal gave Hitt the bag, which Trooper Hitt described as containing a large number of small, brightly colored balloons with knots tied at the ends. Hitt also saw a smaller zip lock bag containing a white crystalline powder inside the larger bag containing the balloons.

Mr. Fridal then telephoned his employee, Sylvia Olsen, who had been working earlier that evening in the truck stop, and Trooper Hitt spoke to Olsen over the telephone. She told Hitt that business that evening had been very slow and that only 3 people had come in the store. She explained that a man and his son had come in the store around 6:00 p.m., and then there had been no customers for quite some time, so she began to clean the store. Olsen also told Hitt that while she was cleaning a woman entered the store. She described the woman to Hitt as being in her 50's with brown hair and a slumped-over posture and who possibly had a hunch to her back. Olsen also told Hitt that the woman had arrived in a brown or gold 4 door vehicle but was not sure of the make or model of the vehicle. She said the vehicle had parked in front of the store and she could see it through a window. She also told Hitt that there was a male in the car, but she could not describe him because it was dark outside.

Olsen told Hitt that when this woman came into the store she inquired about some food and then used the restroom. After using the restroom the woman then purchased some food and left the store. Olsen told Hitt that there had been no other customers that evening and that Mr. Fridal arrived at the store about 15 minutes after the woman had left.

Trooper Hitt then left the truck stop and went to the Cassia County Sherriff's office with the bag Mr. Fridal had found. He took the bag into the evidence room and weighed and tested the substances found in the bags using a narcotics identification kit. The substance in the balloons tested presumptively positive as heroin and the white crystalline powder tested presumptively positive as cocaine. Trooper Hitt has been trained to use the narcotics identification kit and performed the testing according to that training. The total packaged weight of the heroin was 14.9 grams in 50 balloons and the total packaged weight of the cocaine was 0.8 grams

Trooper Hitt repackaged the evidence and discussed the situation with Cassia County deputy sheriffs corporal Winder and detective Kevin Horak, a member of the Mini-Cassia Drug Task Force. One of the deputies said that it may be worth somebody's time to return and burglarize the truck stop to recover such a large amount of heroin and that it would be a good idea to go back to the truck stop to see if anybody returned to recover what they had lost.

Trooper Hitt thought that it was a good idea to return and stake out the truck stop. According to his training and experience, this amount of heroin was far greater than for personal use and it indicated that someone was distributing the substance. Trooper Hitt returned to the truck stop alone in his marked patrol unit at approximately midnight that same night. The truck stop had closed. The area was quite dark as the lights both inside and outside of the truck stop and store had been turned off. Hitt parked his patrol car in the shadow of a tractor trailer at the far end of the parking lot both for his own safety and the integrity of the stakeout. He waited and watched the parking lot. While he waited, one or two other vehicles pulled up to the truck stop and then turned around and left without stopping.

Within 45 minutes to an hour, a mid-sized 4 door sedan that was lighter in color pulled in to the truck stop and parked between the gas pumps and the store, stopping about 15 to 20 feet in front of the store. Hitt observed this car through binoculars from his patrol car, about 75 yards away. Hitt recognized that the size and type of car were similar to that which Sylvia Olsen had described to him as being the vehicle in which the stooped woman had arrived. He saw a man in a hooded sweatshirt get out of the passenger side of the car. The man had a flashlight and began looking around on the ground in the parking lot about 20 feet in front of the truck stop store on the east side of the gas pumps. This car was parked in more or less in the same position as the car described by Sylvia Olsen

The man spent between two and five minutes outside of the car looking on the ground. The man did not shine his flashlight inside the windows or the glass door of the store.

Hitt thought that the man looked in his direction because he had raised the flashlight a couple of times directly at Hitt's patrol car. Immediately after the flashlight was pointed in Hitt's direction, the man got back into the car on the passenger side and the car drove away abruptly. The man did not run to the car, did not slam the door, and the car did not squeal the tires or otherwise "peel out." Hitt was able to tell that there was one other person in the car, who was the driver.

Hitt decided to make an investigatory stop of this car, because the man appeared to be looking for something, because it was late at night, because the car left abruptly and because the situation looked suspicious that they were looking for the lost bag of drugs.

Hitt turned on his headlights and rapidly followed the car. He used his overhead lights and the car immediately stopped at approximately 12:52 a.m. Hitt was then able to identify the car as a gold Ford Taurus 4 door sedan, which was not inconsistent with what Sylvia Olsen had described. He made contact with the driver, who was a female. The white male was in the passenger's seat. There was somebody else lying down on the back seat. The driver identified herself as Megan Lianetti and explained that they were looking for a ring that the back seat passenger had lost.

Hitt asked the driver for identification. She told him she did not have her license with her. Hitt obtained identification from the front seat passenger, Darrell Lee Swett. Hitt identified the back seat passenger as the defendant, Dawn Johnson. Hitt returned to his vehicle to check to see if either the driver or passenger had a valid driver's license. Hitt learned from dispatch that the driver's license issued to Megan Lianetti was not valid, that Mr. Swett had a felony warrant for his arrest issued in Twin Falls County, that Swett had a history of eluding police officers and that the car was registered to Dawn Johnson, the defendant.

Hitt called for backup to assist in the execution of the felony arrest warrant, then asked the driver to turn off the car's engine and give him her keys, and then returned to his car to wait for backup. When backup arrived, Mr. Swett was arrested on the warrant, and the officers controlled the situation by securing the other passengers in the car.

When securing the Defendant from the back seat of the car, Hitt noticed that she seemed very weak and that her physical appearance was consistent with what Sylvia Olsen, the truck stop employee, had described to him earlier that evening.

After Swett's arrest, back up officers Trooper Barrett and Deputy Rogers conducted a search of the passenger compartment of the car. As a result of the search,

the officers found the following items: a green piece of rubber strapping; a box containing ten unused syringes, cotton swabs, and a shot glass; and a pair of small scissors. The officers removed the rear seat of the car, and underneath the seat found a small bright pink balloon. The back seat was easily removed and basically snapped out; no tool or other implement was used to remove the seat.

Trooper Barrett searched the Defendant's purse and found a small gold spoon with a white residue on it. The evidence was not clear at what point in time or where the purse was located when it was searched. The evidence indicated that Defendant had her purse with her in the back seat at the time of the stop of the vehicle. There was evidence that she was instructed to get out of the car and to leave the purse on the seat by one of the officers. She nonetheless appeared to have taken the purse with her when she got out of the car, and the purse placed on the back exterior of the car as the proceedings unfolded. She was directed to sit in one of the patrol cars, and one of the officers brought the purse to her while she was seated there.

At the time of this incident, Trooper Hitt had nearly 8 years experience as a police officer, had obtained his advanced POST training certificate, and had both training and experience investigating drug-related crimes.

DISCUSSION

The Fourth Amendment to the United States Constitution and Article I, Section 17 of the Idaho Constitution guarantee the right of every citizen to be free from unreasonable searches and seizures. *State v. Robertson*, 134 Idaho 180, 184, 997 P.2d 641, 645 (Ct.App.2000). "A search without a warrant is per se unreasonable unless it falls within one of the exceptions to the Fourth Amendment requirements." *State v.*

Ferreira, 133 Idaho 474, 479, 988 P.2d 700, 705 (Ct.App.1999). One of the exceptions is:

...a police officer may stop an individual so long as the officer is aware of facts which allow the officer "reasonably to conclude in light of his [or her] experience that criminal activity is afoot." Such an investigative stop must be justified by a reasonable, articulable suspicion that the person has committed or is about to commit a crime. The legality of the investigative stop is judged under a "totality of the circumstances" test. *State v. Robertson*, 134 Idaho at 184, 997 P.2d at 645 (citations omitted).

Another exception to the warrant requirement is a search incident to lawful arrest. *Chimel v. California*, 395 U.S. 752, 762-63, 89 S.Ct. 2034, 2040, 23 L.Ed.2d 685, 693-94 (1969); *State v. Roe*, 140 Idaho 176, 182, 90 P.3d 926, 932 (Ct.App.2004). The United States Supreme Court has held that "when a policeman has made a lawful custodial arrest of the occupant of an automobile, he may, as a contemporaneous incident of that arrest, search the passenger compartment of that automobile." *New York v. Belton*, 453 U.S. 454, 460, 101 S.Ct. 2860, 2864, 69 L.Ed.2d 768, 774 (1981); *State v. Roe*, 140 Idaho at 182, 90 P.3d at 932. The right to search incident to arrest also extends to any containers found within the passenger compartment of the vehicle if the passenger compartment is within the reach of the arrestee. *Id.* The Idaho Supreme Court has adopted the *Belton* rule. *Id.*

Thus, the test for determining the validity of an investigatory detention is that the court must consider the totality of the circumstances then known to the investigating officer and whether those circumstances objectively demonstrated a reasonable, articulable suspicion that the persons in the vehicle has committed a crime.

The totality of the circumstances in this case, in consideration of Trooper Hitt's training and experience, were the following:

- The owner of the truck stop found a clearly suspicious bag of items on the floor of the store;
- The employee had cleaned the store, and no one except the woman with the distinctive posture had entered the store;
- This woman visited the bathroom;
- The suspicious package was located near the bathroom;
- No other customers had entered the store after the woman with the distinctive posture had left;
- The suspicious package's contents tested presumptively positive as being controlled substances, possession of which would be a serious crime;
- The amount of controlled substances was, in Hitt's experience, very large;
- Discussions with other police officers occurred indicating that the large amount of lost drugs would likely result in someone returning to look for them;
- A car, not inconsistent with the employee's description of the car that was at the truck stop earlier, arrived at a late hour after the business was closed, and a passenger exited the car with a flashlight to look around on the ground;
- The car and its passengers abruptly left the scene when it appeared to Trooper Hitt that the man with the flashlight may have seen him.

Based on the totality of these facts, the officer's investigative stop of the car was a reasonable and valid investigatory detention under the Fourth Amendment. *See State v. Rawlings*, 121 Idaho 930, 829 P.2d 520 (1992); *State v. Robertson*, 134 Idaho 180,

184, 997 P.2d 641, 645 (Ct.App.2000). The Idaho Supreme Court's comments in *Rawlings* are particularly applicable here as it is "possible that the defendant could have been on an innocent mission, but these facts, together with the reported crime, provided objectively reasonable grounds which were adequate to support a police officer's suspicion of criminal activity." *Id.* at 933.

Following the investigatory detention, an attenuating circumstance arose, which was the discovery of the arrest warrant for passenger Swett.

A search of a vehicle incident to an arrest is an exception to the warrant requirement. The search of the passenger compartment of the vehicle, being valid, leads the court to conclude that the items were properly seized and will not be suppressed as evidence, pursuant to *Belton*.

The item obtained in the search of the purse (the gold spoon with the white substance) does not clearly fall within the search incident to arrest exception. The evidence was conflicting regarding the location of the purse. Trooper Hitt could not recall whether the purse was inside the passenger compartment or if the Defendant left the car with the purse. Testimony from the defendant was that she eventually exited the car with the purse and that it was placed on the trunk of the car. The State did not meet its burden of showing that the search of the purse was a valid search, incident to the arrest of Darrell Swett, of a container within the passenger compartment of the car, and therefore, the gold spoon found in her purse should be suppressed. *See generally State v. Roe*, 140 Idaho 176, 182-183, 90 P.3d 926, 932-933 (Ct.App.2004).

The state also argues that under these circumstances there was probable cause to conduct the search of the car and the purse. However, the evidence does not support a determination that the officer developed probable cause to search the purse as the

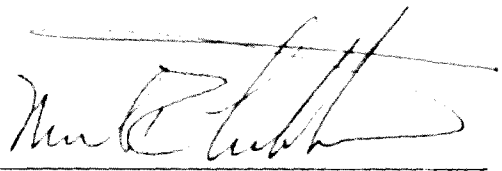
record does not show whether the purse was searched before or after the car was searched incident to the arrest. Thus, the record does not establish whether the officer's knowledge of what was found in the car should be considered in determining whether he had probable cause to search the Defendant's purse.

Because of the deficiency in the record as to whether the officers had probable cause, the state has not met its burden in this regard and the Court cannot determine that there was probable cause. Because the record only establishes reasonable suspicion, the spoon found in the purse will be suppressed.

CONCLUSION

The Defendant's motion to suppress is denied as to the items found inside the car. The motion to suppress is granted as to the spoon located in the Defendant's purse.

Dated this 29th day of January, 2009.



Michael R. Crabtree, District Judge

CERTIFICATE OF MAILING

I hereby certify that on this 29 day of January, 2009, I caused to be served a true and correct copy of the foregoing document, by the method indicated below, and addressed to the following:

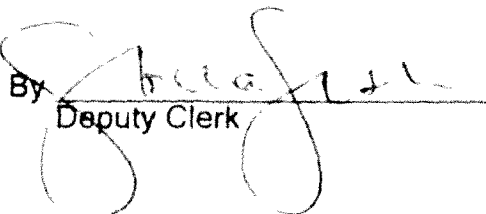
1. Blaine Cannon
Deputy Prosecuting Attorney
1918 Overland Avenue
P.O. Box 7
Burley, ID 83318

☒ Courthouse Box
☐ U.S. Mail
☐ Other

2. Timothy J Williams
PO Box 282
Twin Falls, ID 83303

☐ Courthouse Box
☒ U.S. Mail *fax*
☐ Other

LARRY A. MICKELSEN
CLERK OF THE DISTRICT COURT

By 
Deputy Clerk

000137

Fifth Judicial District Court - Cassia County

User: ZANONE

Minutes Report

Case: CR-2008-0001984

State of Idaho vs. Dawn M Johnson

Selected Items

| | | | |
|-------------------|--------------------|--------------------|------------|
| Hearing type: | Status | Minutes date: | 02/02/2009 |
| Hearing judge: | Michael R Crabtree | Start time: | 08:49 AM |
| Court reporter: | Denise Schloder | End time: | 08:49 AM |
| Minutes clerk: | Tara Gunderson | Audio tape number: | |
| Prosecutor: | Blaine Cannon | | |
| Defense attorney: | Timothy J Williams | | |

Tape Counter: 920

***** IN CHAMBERS *****

Tim Williams is present via telephone on behalf of the defendant.

Blaine Cannon is present in chambers on behalf of the State of Idaho.

000128

2 71 -1 10 2

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF CASSIA

THE STATE OF IDAHO,

Plaintiff,

vs.

DAWN MARCIEL JOHNSON

Defendant.

)
) Case No. CR-2008-0001984
) *Waying Motion*
) ORDER TO SET ASIDE NOTICE OF
) BOND FORFEITURE AND
) REINSTATE BAIL BOND
)
)

Motion to Set Aside *Filed 1-29-09*
IT IS ORDERED THAT the ~~Notice of Bond Forfeiture for the~~
is denied without prejudice, for the reason that
~~bail bond previously issued in this case is set aside and the~~
defendant has not reported to jail as of 2-2-09.
~~bail bond is reinstated by this Court under the same terms and~~

~~conditions as previous imposed upon this bond.~~

DATED this 2nd day of Feb, 2009

M. L. Clark
JUDGE

Date of Bond : 04/04/08
Bond Amount : \$50,000.00
Power of Atty. #: S50-1483814
Charge : 2 COUNTS POSS. & TRAFFICING

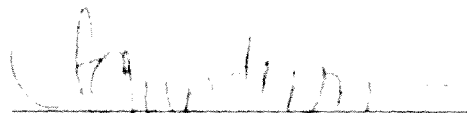
Waying Motion
ORDER TO SET ASIDE NOTICE
OF BOND FORFEITURE-1

000139

CERTIFICATE OF MAILING

I hereby certify that on this 2nd day of February, 2009, I caused to be served a true and correct copy of the foregoing document, by the method indicated below, and addressed to the following:

1. Blaine Cannon
Deputy Prosecuting Attorney
1918 Overland Avenue
P.O. Box 7
Burley, ID 83318
☒ Courthouse Box
2. Timothy Williams
Williams Law Office
P.O. Box 282
Twin Falls, ID 83303
☒ U.S. Mail
3. Fast Bail Bonds
Jack & Velma Green
315 East Avenue D
Wendell, ID 83355
☒ U.S. Mail



Tara Gunderson
Deputy Clerk

02/03/2009 09:05

Date: 2/3/2009

Fifth Judicial District Court - Cassia County

User: TARA

Time: 11:40 AM

Minutes Report

Page 2 of 3

Case: CR-2008-0001984

Defendant: Johnson, Dawn M

Selected Items

| | | | |
|-------------------|--------------------|--------------------|------------|
| Hearing type: | Status | Minutes date: | 02/03/2009 |
| Assigned judge: | Michael R Crabtree | Start time: | 09:03 AM |
| Court reporter: | Denise Schloder | End time: | 09:05 AM |
| Minutes clerk: | Tara Gunderson | Audio tape number: | CHAMBERS |
| Prosecutor: | Blaine Cannon | | |
| Defense attorney: | Timothy J Williams | | |

Tape Counter: 903

***** IN CHAMBERS *****

The defendant is NOT present.

Timothy Williams is present on behalf of the defendant.

Blaine Cannon is present on behalf of the State of Idaho.

(Jurors are currently watching the jury video in the Courtroom)

Timothy Schneider addresses the Court; cites the defendant has not contacted his office this morning.

The Court will allow the jurors to finish the video; giving the defendant some additional time to appear.

Blaine Cannon addresses the Court; cites if the defendant does not appear he would like the bond amount increased.

Tape Counter: 905

Hearing concludes.

000141

Date: 2/3/2009

Fifth Judicial District Court - Cassia County

User: TARA

Time: 11:40 AM

Minutes Report

Page 3 of 3

Case: CR-2008-0001984

Defendant: Johnson, Dawn M

Selected Items

| | | | |
|-------------------|--------------------|--------------------|------------|
| Hearing type: | STATUS | Minutes date: | 02/03/2009 |
| Assigned judge: | Michael R Crabtree | Start time: | 10:30 AM |
| Court reporter: | Denise Schloder | End time: | 10:35 AM |
| Minutes clerk: | Tara Gunderson | Audio tape number: | Chambers |
| Prosecutor: | Blaine Cannon | | |
| Defense attorney: | Timothy J Williams | | |

Tape Counter: 1030

Timothy Schneider is present on behalf of the defendant.

Blaine Cannon is present on behalf of the State of Idaho.

The Court reviews the Status of jury attendance - 19 no shows.

Blaine Cannon addresses the Court - defers decision to continue trial to the Court; does not object to continuing trial to March 02.

Timothy Williams addresses the Court; does not object to a continuance; cites considerations.

The Court continues trial to March 02, 2009.

Tape Counter: 1035

Hearing concludes.

000142

2009-03-03 11:05

Date: 2/3/2009
Time: 11:40 AM
Page 1 of 3

Fifth Judicial District Court - Cassia County

User: TARA

Minutes Report

Case: CR-2008-0001984

Defendant: Johnson, Dawn M

Selected Items

| | | | |
|-------------------|--------------------|--------------------|------------|
| Hearing type: | Jury Trial | Minutes date: | 02/03/2009 |
| Assigned judge: | Michael R Crabtree | Start time: | 09:44 AM |
| Court reporter: | Denise Schloder | End time: | 09:44 AM |
| Minutes clerk: | Tara Gunderson | Audio tape number: | |
| Prosecutor: | Blaine Cannon | | |
| Defense attorney: | Timothy J Williams | | |

Tape Counter: 1036

The defendant is present with Counsel - Timothy Williams.

Blaine Cannon is present on behalf of the State of Idaho.

The Court addresses jurors. Thanks them for thier appearance; cites 19 jurors have not appeared and we do not have a sufficient amount of jurors present to proceed with the trial.

Tape Counter: 1038

The Court thanks the jurors for appearing and excuses the jurors.

Tape Counter: 1038

Hearing concludes.

009143

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR CASSIA COUNTY

| | | |
|-----------------------|---|-------------------------------------|
| STATE OF IDAHO, |) | |
| |) | CASE NO. CR CR-2008-0001984 D |
| Plaintiff, |) | |
| |) | |
| Vs. |) | Pre-trial Scheduling Order and |
| |) | Notice of Hearing: |
| DAWN M JOHNSON, |) | Pre-trial Conference and Jury Trial |
| 603 Golden Spur Drive |) | |
| Filer, ID 83328 |) | |
| |) | |
| DOB: [REDACTED] |) | |
| |) | |
| Defendant. |) | |

The above-entitled criminal case came on for Arraignment on the 15th day of July, 2008. The defendant appeared in person and with his attorney, Public Defender. The plaintiff, State of Idaho, appeared through its attorney, Blaine P. Cannon, Deputy Prosecutor, Cassia County Prosecuting Attorney's Office.

The Court advised defendant of his constitutional rights. The Defendant acknowledged that he/she understood his/her rights. The Court advised the defendant of the right to delay entry of plea. The Defendant then entered a plea of "not guilty" to all charges alleged in the Information and requested jury trial.

NOW, THEREFORE, IT IS HEREBY ORDERED AS FOLLOWS, pursuant to Rules 12, 16 and 18, Idaho Criminal Rules:

1). JURY TRIAL DATE: The jury trial in this matter is scheduled to begin on Monday, March 02, 2009, at the hour of 01:00 P.M. Counsel are required to

appear thirty (30) minutes prior to trial for a status conference in chambers.

2). Alternate Judges: Notice is hereby given that the presiding Judge assigned to this case intends to utilize the provisions of I.C.R. 25 (a)(6) and that an alternate judge may be assigned to preside over the trial of this case. Unless a party has previously exercised their right to disqualification without cause pursuant to Rule 25(a)(1), Idaho Criminal Rules, each party shall have the right to file one (1) motion for disqualification without cause as to any alternate judge not later than fourteen (14) days after service of this written notice listing the alternate judges. Notice is also given that if there are multiple defendants, any disqualification pursuant to I.C.R. 25(a)(1) is subject to a prior determination under I.C.R. 25(a)(3). The panel of alternate Judges consists of the following Judges who have otherwise not been disqualified on this action: Judges Bevan, Butler, Stoker, Elgee, Higer, Hurlbutt, Meehl, Melanson, and Wood.

3). Appearance of Defendant: Pursuant to Rule 43, Idaho Criminal Rules, the defendant is required to be personally present in court at the following proceedings: arraignment; status and pre-trial conferences; hearings on all motions and arguments on questions of law (including but not limited to motions regarding bail, motions for suppression of evidence, motions in limine regarding evidence at trial); at every stage of trial including impaneling of the jury and return of the verdict. Failure of the defendant to attend court as required may result in the forfeiture of bond and the issuance of a bench warrant for the arrest of defendant.

4). Pre-trial Conference: A pre-trial conference will be held on Tuesday, February 24, 2009, at the hour of 04:00 PM. The defendant is required to be present at the Pretrial Conference. Failure of the defendant to attend will result in

the issuance of a bench warrant for the defendant's arrest, and will result in the jury trial being vacated and will be considered as a factor in determining whether the defendant waived his right to a speedy trial.

5). Motions: All motions based on Rule 12, Idaho Criminal Rules, and any other motions, including motions in limine and motions to dismiss, must be filed and scheduled to be heard no later than thirty (30) days prior to the pre-trial conference, unless good cause is shown to depart from this timeframe. All motions must be accompanied by such supporting affidavits as may be required, together with a mandatory memorandum of law that sets forth the specific issue to be addressed in the motion and sets forth the authority in support of the motion. The Clerk will not schedule the motion for hearing until both the motion and the accompanying memorandum of law are filed. Pursuant to Rule 45, hearings on motions may not be scheduled sooner than seven days following service together with three days for service by mail, and upon objection shall be vacated if not timely scheduled.

6). Discovery Cut-off: All discovery pursuant to Rules 15 and 16, Idaho Rules of Criminal Procedure, shall be completed no later than fourteen (14) days prior to the pre-trial conference. Additionally, counsel for the parties shall have disclosed to each other, in writing, no later than fourteen (14) days prior to the pre-trial conference, the names and addresses of all witnesses the party intends to call at trial. This order does not apply to the State's rebuttal witnesses.

7). Further Evidence disclosure requirements: In the event either party intends to introduce evidence at trial pursuant to Rules 404, 405, 406, 410, 412, 608 and 609, such evidence must be disclosed by written notification served on

the opposing party no later than thirty (30) days prior to the pre-trial conference, unless good cause is shown to depart from this timeframe.

8). Sanctions: Failure to comply with this order will be grounds for imposition of sanctions that may include the following: costs incurred for subpoenas and witness travel expenses; exclusion of witnesses or evidence; jury costs; attorneys fees.

9). Pleas of Guilty: In the event a defendant wishes to enter a plea of guilty, the following procedures will apply before the court will accept a plea:

a. The defendant is required to complete, sign and file a Guilty Plea Advisory form document;

b. If there is a plea agreement, the agreement will be written and signed by counsel for each party and by the defendant, and then filed with the court;

c. If the Defendant wishes to enter a plea of guilty, written notification of the same is to be filed with the court, signed by the defendant; Trial will not be vacated unless the written and signed notification of intent to plead guilty is filed prior to the trial date;

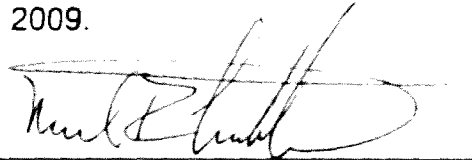
d. A specific time will be scheduled by the Clerk for the change of plea hearing. Changes of plea will not be conducted during arraignment or at pre-trial conference.

10). Continuances: A continuance of trial will not be granted by the court except upon written stipulation stating the good cause for vacating trial, signed by counsel for each party and by the defendant. If the continuance will result in delay of trial beyond the time frame for conducting speedy trial, the continuance will not be granted unless the defendant signs and files a written waiver of his/her

right to speedy trial which acknowledges his right and which expressly waives the right.

11). Mediation: In the event the parties wish to explore mediation, they shall file a request for mediation, signed by counsel for each party and by the defendant. If the parties are unable to mutually agree upon a mediator, the court will appoint one upon being advised of the necessity to do so.

DATED this 3rd day of February, 2009.



MICHAEL R. CRABTREE
District Judge

CERTIFICATE OF MAILING

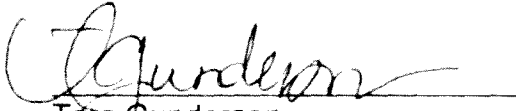
I hereby certify that on this 3 day of February, 2009, I caused to be served a true and correct copy of the foregoing document, by the method indicated below, and addressed to the following:

1. Blaine Cannon
Deputy County Prosecutor
P.O. Box 7
Burley, ID 83318

✓ Courthouse Box

2. Timothy Williams
Attorney at Law
P.O. Box 282
Twin Falls, ID 83303

✓ U.S. Mail


Tara Gunderson
Deputy Clerk

Williams Law Office Chtd.
Tim J. Williams / ISB# 3910
PO Box 282
401 Gooding Street N, Suite 101
Twin Falls, ID 83303-0282
Telephone: 208-736-0699
Fax: 208-736-0508

2009 FEB 03 11:21:03

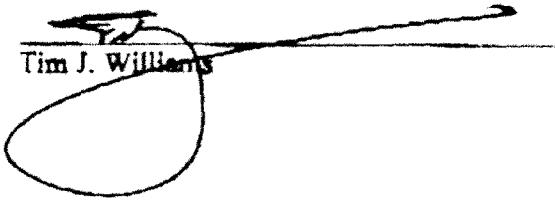
Attorney for the Defendant

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE
OF IDAHO, IN AND FOR THE COUNTY OF CASSIA

| | | |
|----------------------|---|---------------------------|
| STATE OF IDAHO, |) | |
| |) | Case No. CR-08-1984 |
| Plaintiff, |) | |
| |) | |
| v. |) | MOTION FOR BOND REDUCTION |
| |) | |
| DAWN MARCEL JOHNSON, |) | |
| |) | |
| Defendant, |) | |

COMES NOW Tim J. Williams of Williams Law Office Chtd., and hereby moves for an Order reducing Defendant's Bond.

DATED this 3 day of February 3, 2009.

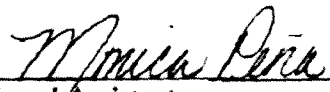

Tim J. Williams

CERTIFICATE OF DELIVERY

I HEREBY CERTIFY that on the 3 day of February, 2009, I caused a true and correct copy of the foregoing to be delivered, with all charges prepaid, by the method indicated below, addressed to:

Doug Abenroth
Cassia County Pros Atty
208-878-2924

| | |
|---------|---------------|
| [] | HAND DELIVERY |
| [] | US MAIL |
| [X] | FACSIMILE |



Legal Assistant
OR Tim J. Williams

MOTION - 2

000151

Williams Law Office Chtd.
Tim J. Williams / ISB# 3910
PO Box 282
401 Gooding Street N, Suite 101
Twin Falls, ID 83303-0282
Telephone: 208-736-0699
Fax: 208-736-0508

2009 FEB -3 11 2:08

Attorney for the Defendant

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE
OF IDAHO, IN AND FOR THE COUNTY OF CASSIA

STATE OF IDAHO,

Plaintiff,

v.

DAWN MARCEL JOHNSON,

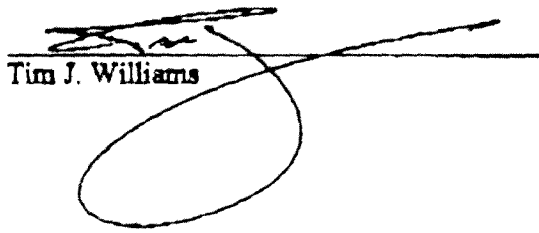
Defendant,

Case No. CR-08-1984

NOTICE OF HEARING ON
MOTION FOR BOND REDUCTION

COMES NOW Tim J. Williams of Williams Law Office Chtd., and hereby notices the above
entitled hearing for the 4th day of February, 2009 at 9:00 am.

DATED this 3 day of February 3, 2009.


Tim J. Williams

MOTION - 1


000152

CERTIFICATE OF DELIVERY

I HEREBY CERTIFY that on the 3 day of February, 2009, I caused a true and correct copy of the foregoing to be delivered, with all charges prepaid, by the method indicated below, addressed to:

Doug Abenroth
Cassia County Pros Atty
208-878-2924

| | |
|-------------------------------------|---------------|
| <input type="checkbox"/> | HAND DELIVERY |
| <input type="checkbox"/> | US MAIL |
| <input checked="" type="checkbox"/> | FACSIMILE |


Legal Assistant
OR Tim J. Williams

MOTION -2

060153

2009 FEB 24 11:03:59

Date 2/4/2009

Fifth Judicial District Court - Cassia County

User TARA

Time 09:47 AM

Minutes Report

Page 1 of 1

Case CR-2008-0001984

Defendant: Johnson, Dawn M

Selected Items

| | | | |
|-------------------|---------------------------|--------------------|------------|
| Hearing type: | Motion for Bond Reduction | Minutes date: | 02/04/2009 |
| Assigned judge: | Michael R Crabtree | Start time: | 09:03 AM |
| Court reporter: | Maureen Newton | End time: | 09:03 AM |
| Minutes clerk: | Tara Gunderson | Audio tape number: | |
| Prosecutor: | Blaine Cannon | | |
| Defense attorney: | Timothy J Williams | | |

| | |
|-------------------|---|
| Tape Counter: 904 | The defendant is present and is in custody. Timothy Williams is present on behalf of the defendant. Blaine Cannon is present on behalf of the State of Idaho. |
| Tape Counter: 905 | Timothy Williams argues the Defendant's Motion for Bond Reduction, cites considerations |
| Tape Counter: 914 | Timothy Williams continues to address the Court re: bond reduction; requests bail be reinstated, offers increase of testing, and reviews other possible alternatives, cites considerations. |
| Tape Counter: 920 | Blaine Cannon addresses the Court, objects to the defendant's Motion for Bond Reduction, cites considerations. |
| Tape Counter: 934 | Timothy Williams addresses the Court, continues to cite considerations for defendant's motion for bond reduction |
| Tape Counter: 941 | The Court DENIES Defendant's Motion for Bond Reduction, cites considerations. The Court is willing to reinstate the \$50,000.00 surety bond and will require an additional \$50,000.00 to be posted. Blaine Cannon is requested to prepare the order. |
| Tape Counter: 947 | Hearing concludes |

060154

2008 FEB 17 10:15

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF CASSIA

| | | |
|----------------------|---|--------------------------------------|
| THE STATE OF IDAHO, |) | |
| |) | Case No. <u>CR-2008-0001984</u> |
| Plaintiff, |) | |
| vs. |) | |
| |) | MOTION TO SET ASIDE NOTICE OF |
| DAWN MARCIEL JOHNSON |) | BOND FORFEITURE AND <u>REINSTATE</u> |
| |) | RAIL BOND |
| Defendant. |) | |
| _____ |) | |

Date of Notice of Bail Bond Forfeiture: 01/27/09

JACK E. GREEN, having posted bail bond
for the defendant, and the Notice of Bond Forfeiture having been
issued by this Court, moves this Court for an Order setting aside
the Notice of Bond Forfeiture for bond and reinstating the bond
pursuant to authority set forth in Idaho Criminal Rule 46(e) for
the following reasons:

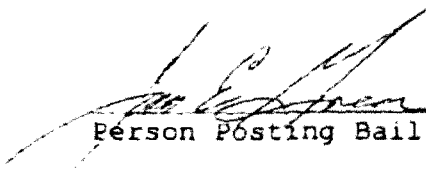
The defendant has made arrangements to do a voluntary
surrender. We would appreciate your consideration to reinstate
this bond.

MOTION TO SET ASIDE NOTICE
OF BOND FORFEITURE-1

000155

By this motion, I hereby give my written consent to the Court
to reinstate the bail bond previously posted.

Dated this 4TH day of FEBRUARY, 2009


JACK E. GREEN, AGENT
Person Posting Bail Bond

STAPLE DISCHARGE/EXONERATION SLIPS HERE

Date of Bond : 04/04/08
Bond Amount : \$50,000.00
Power of Atty.#: S50-1483814
Charge : 2 COUNTS POSS & TRAFFICING

MOTION TO SET ASIDE NOTICE
OF BOND FORFEITURE-2

000156

2008 FEB -4 11 2:29

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF CASSIA

| | | |
|----------------------|---|---------------------------------|
| THE STATE OF IDAHO, |) | Case No. <u>CR-2008-0001984</u> |
| Plaintiff, |) | |
| vs. |) | ORDER TO SET ASIDE NOTICE OF |
| DAWN MARCIEL JOHNSON |) | BOND FORFEITURE AND |
| |) | <u>REINSTATE BAIL BOND</u> |
| Defendant. |) | |
| |) | |

IT IS ORDERED THAT the Notice of Bond Forfeiture for the
bail bond previously issued in this case is set aside and the

bail bond is reinstated by this Court. *the person posting surety bond filed*

an agreement in writing and signed, consenting to this action.

conditions as previous imposed upon this bond.

TOTAL Bail is \$100,000.00. The surety bond described below

shall be credited or applied to the total bail requirement.

2-4-09 *[Signature]*
JUDGE

Date of Bond : 04/04/08
Bond Amount : \$30,000.00
Power of Atty. #: S50-1483814
Charge : 2 COUNTS POSS. & TRAFFICING


ORDER TO SET ASIDE NOTICE
OF BOND FORFEITURE-1

000157

CERTIFICATE OF MAILING

I hereby certify that on this 4th day of February, 2009, I caused to be served a true and correct copy of the foregoing document, by the method indicated below, and addressed to the following:

1. Blaine Cannon
Deputy Prosecuting Attorney
1918 Overland Avenue
P.O. Box 7
Burley, ID 83318
☒ Courthouse Box
2. Timothy Williams
Williams Law Office
P.O. Box 282
Twin Falls, ID 83303
☒ U.S. Mail
3. Fast Bail Bonds
Jack & Velma Green
315 East Avenue D
Wendell, ID 83355
☒ U.S. Mail
4. Mini-Cassia Criminal Justice Center
1415 Albion Avenue
Burley, ID 83318
☒ Fax (208) 878-1100


Tara Gunderson
Deputy Clerk

1 ALFRED E. BARRUS (ISB #1704)
2 BLAINE P. CANNON (ISB #5575)
3 DOUGLAS G. ABENROTH (ISB #7181)
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Attorneys for State of Idaho
08-48

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF CASSIA

STATE OF IDAHO,

Case No. CR-2008-01984*D

Plaintiff,

vs.

**ORDER DENYING DEFENDANT'S
MOTION FOR BOND REDUCTION**

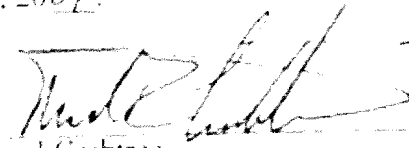
DAWN JOHNSON,

Defendant.

The Defendant's Motion for Bond Reduction came before the Court on February 4, 2009; Blaine P. Cannon, Deputy Prosecuting Attorney, represented the State of Idaho; Timothy Williams, represented the defendant.

THE COURT being fully advised in the premises and good cause appearing therefrom, the Defendant's Motion for Bond Reduction is hereby denied.

DATED this 5th day of Feb, 2009.


Michael Crabtree
District Judge

ORDER DENYING DEFENDANT'S MOTION FOR BOND REDUCTION - 1

U.S. District Court, Cassia County, Idaho, Superior Court Entry Motion for Bond Reduction, 08-48

000159

1
2 CLERK'S CERTIFICATE OF MAILING

3 I hereby certify that on the _____ day of _____, 20____, I caused a true and
4 correct copy of the within and foregoing ORDER to be mailed to the following:

5 Blaine P. Cannon
6 Deputy Prosecuting Attorney
7 P.O. Box 7
8 Burley, ID 83318

9 Tim Williams
10 Attorney at Law
11 P.O. Box 282
12 Twin Falls, Idaho 83303

LARRY A. MICKELSEN
CLERK OF THE DISTRICT COURT

13 By _____
14 Deputy Clerk
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ORDER DENYING DEFENDANT'S MOTION FOR BOND REDUCTION - 2

H. Shapard County Criminal M., Orders, Objections, Sup Order Deny M. for Bond Reduction vpd

000100

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO IN AND FOR THE COUNTY OF CASSIA

STATE OF IDAHO

Plaintiff,



V.S.

RETURN OF BENCH WARRANT
CR2008-1984D

Dawn Johnson

Defendant,

Sheriff's Office

County of Cassia ss

State of Idaho

I, James F. Higen, Sheriff of the County of Cassia, State of Idaho hereby certify that I received the within and here unto annexed BENCH WARRANT on the 27th day of January, 2009. I further certify that on the 3rd day of February, 2009 I executed the said, by taking into custody the above defendant, Dawn Johnson to the Mini Cassia Criminal Justice Center. I have placed the said Dawn Johnson in the County jail for safe keeping until his/her appearance in the Fifth District Court, Burley, Cassia County, Idaho.

On this 5th day of February , 2009.



Sheriff, Burley, Cassia County, Idaho



Deputy Sheriff

000161

1
2 IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
3 STATE OF IDAHO, IN AND FOR THE COUNTY OF CASSIA
4

5 STATE OF IDAHO,

Case No. CR-2008-001984 D

6 Plaintiff,

7 vs.

BENCH WARRANT
for Bond Revocation

8 **DAWN JOHNSON,**

9 DOB: [REDACTED]
10 SS#: [REDACTED]

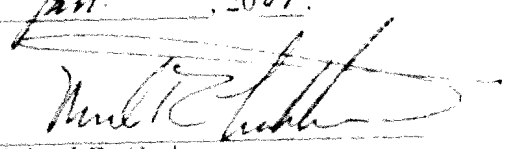
11 Defendant.

12 TO ANY SHERIFF, CONSTABLE, MARSHALL OR POLICEMAN OF THE STATE OF IDAHO:

13 Respondent having tested positive for a controlled substance,

14 YOU ARE, THEREFORE, COMMANDED forthwith to arrest the above-named
15 Defendant and bring her before this Court, or, if the Court has adjourned for the term, that you
16 deliver her into the custody of the Sheriff of Cassia County, Idaho, at the Cassia County Jail.

17 DATED this 27th day of Jan., 2009.

18
19 
20 Michael R. Crabtree
District Judge

21 Cassia County Courthouse
1439 Overland Avenue
Burley, Idaho 83418
22 phone 208-878-7351
fax 208-878-1103

23 Bond is set at \$ 100,000⁰⁰ pending arraignment on this Bench Warrant.

24 May be served Anytime of Day or Night.

25
26
27
28 **BENCH WARRANT - 1**

1. State of Idaho v. Dawn Johnson, et al. (Criminal Matter) (Bench Warrant for Bond Revocation) (JCF-100)

000162

2009 FEB 24 11:01

Date 2/24/2009

Fifth Judicial District Court - Cassia County

User TARA

Time 04:16 PM

Minutes Report

Page 1 of 1

Case CR-2008-0001984

Defendant: Johnson, Dawn M

Selected Items

| | | | |
|-------------------|---------------------|--------------------|------------|
| Hearing type: | Pretrial Conference | Minutes date: | 02/24/2009 |
| Assigned judge: | Michael R Crabtree | Start time: | 04:10 PM |
| Court reporter: | Denise Schloder | End time: | 04:10 PM |
| Minutes clerk: | Tara Gunderson | Audio tape number: | |
| Prosecutor: | Alfred E Barrus | | |
| Defense attorney: | Timothy J Williams | | |

Tape Counter: 410 The defendant is present with Counsel - Timothy Williams
Alfred Barrus is present on behalf of the State of Idaho.

Tape Counter: 411 Timothy Williams addresses the Court re: discovery issues.

Tape Counter: 414 Counsel cite 2 1/2 days should be sufficient.
The Court addresses Counsel re: technology devices.

Tape Counter: 416 Hearing concludes

000163

2009-03-04 14:10

Date 3/4/2009

Fifth Judicial District Court - Cassia County

User TARA

Time 04:19 PM

Minutes Report

Page 1 of 5

Case CR 2003-0001984

Defendant Johnson Dawn M

Suggested Items

| | | | |
|-------------------|--------------------|--------------------|------------|
| Hearing type: | Jury Trial | Minutes date: | 03/02/2009 |
| Assigned judge: | Michael R Crabtree | Start time: | 01:44 PM |
| Court reporter: | Denise Schloder | End time: | 01:44 PM |
| Minutes clerk: | Stella Sutherland | Audio tape number: | |
| Prosecutor: | County Prosecutor | | |
| Defense attorney: | Timothy J Williams | | |

Tape Counter 145

Jury video was previously presented to the jurors by the jury commissioner, outside the presence of Court and Counsel

Defendant present with attorney Tim Williams

Blaine Cannon present on behalf of the State

Jury Commissioner calls roll call

No Shows

#6- Bonnie Blair

#8- Alan McDonald

#17- Norleen Reed

#21- Kerry Searle

#23- Mindy Vail

#34- Christopher Stanhope

#37- Melanie Christensen

#42- Michael Ottley

#44- Linda Swenson

#63- Ryan Cranney

#76- Lori Robins

#84- Lori Hagen

#98- Craig Ross

Tape Counter 154

Court addresses the potential jurors re-explains the jury process and introduces the Court staff

Tape Counter 157

Court addresses the potential jurors

Clerk reads the information to the potential jurors

Tape Counter 159

Court explains to the potential jurors that the defendant did plead not guilty to the charges in the information and continues to explain the jurors job in this process

000164

Date 3/4/2009
Time 04:19 PM
Page 2 of 5

Fifth Judicial District Court - Cassia County

User: TARA

Minute Report

Case ID: 08-0001984

Defendant: Johnson, Dawn M

Selected Items

Tape Counter: 203

Potential jurors sworn by the clerk

The Court explains the Voir Dire selection process and rules

Voir Dire of jurors by the Court

Tape Counter: 207

Court excuses for cause

Physical conditions

#87

#4

#60

#74

Undo hardship

#5

#18

#28

#36

#92

Tape Counter: 217

Impartiality-

#48- Connection with Trooper Hitt

#20- Connection with Trooper Hitt

#39- Al Barrus's attorney for Mother

#11- Connection with Al Barrus

#67- Husband is County Clerk and friends with the Barrus's

Tape Counter: 225

Blaine Cannon reads his witness list to the potential jurors for any conflicts

Tim Williams reads his witness list to the potential jurors for any conflicts

Tape Counter: 227

Impartiality-

#30- knows Officer Hitt's name and witnesses

#97- knows some of the witnesses

#94- knows some of the witnesses and knows this story

000165

Date 3/4/2009
Time 04:19 PM
Page 3 of 5

Fifth Judicial District Court - Cassia County
Minutes Report
Case CR-2008-0001984
Defendant Johnson Dawn M
Selected Items

User TARA

Tape Counter 232

Excused
#25- Brother was convicted of drug charges
#43- had a daughter with a drug problem.
#78- his mother was a drug user
#40- father arrested for drugs
#91- son in law has drug problems
#88- brother died from drug use
#85- dyslexia has a hard time understanding things.

Tape Counter 246

Court continues Voir Dire

Tape Counter 248

#24 - Janice Pilling addresses the Court re: unbiased and non-judgmental; cites considerations

Court addresses the prospective juror re: do you think you will be biased and asks her if she can set aside - cites considerations.

#24- is excused

Tape Counter 252

Court continues Voir Dire

#2- excused due to remembering about reading about the case

Court explains what Counsel can and can not ask.

Tape Counter 255

Voir Dire of jurors by Blaine Cannon on behalf of the State

Tape Counter 315

State passes the jury panel for cause

Voir Dire of Jurors by Tim Williams on behalf of the defendant.

Tape Counter 324

Tim Williams moves for cause on juror #70 John Price

Blaine Cannon questions Mr. Price

Tape Counter 326

Court excuses juror in seat #70

Voir Dire of Jurors by Tim Williams continues

000166

Date 3/4/2009
Time 04:19 PM
Page 4 of 5

Fifth Judicial District Court - Cassia County

User TARA

Minutes Report

Case CR-2008-0001984

Defendant Johnson, Dawn M

Selected Items

Tape Counter 334

Tim Williams passes the jury panel for cause.

The Court admonishes the jurors to not discuss this case amongst themselves or with anyone else during the recess

Tape Counter 354

Court back from recess

Jury Commissioner will now call roll.

Counsel agrees that the jury call is correct.

Tape Counter 358

Court explains Peremptory challenge

Peremptory challenge begins

Tape Counter 421

The Court reviews the peremptory challenge sheet.

Juror 1 is #3

Juror 2 is #7

Juror 3 is #9

Juror 4 is #13

Juror 5 is #15

Juror 6 is #19

Juror 7 is #22

Juror 8 is #27

Juror 9 is #29

Juror 10 is #45

Juror 11 is #50

Juror 12 is #51

Juror 13 is #58

Counsel has no objection to the Jury Panel

Tape Counter 427

Jurors sworn by the Clerk

Court explains the jurors seats to them

The Court admonishes the jurors to not discuss this case amongst themselves or with anyone else which includes rules 1 thru 6.

Court addresses Jurors re: return tomorrow at 8:45 am and other information.

000167

Date 3/4/2009
Time 04:19 PM
Page 5 of 5

Fifth Judicial District Court - Cassia County

User: TARA

Minutes Report

Case: CR-2008-0001984

Defendant: Johnson, Dawn M

Selected Items

| | |
|-------------------|---|
| Tape Counter: 431 | Blaine Cannon addresses the Court re: one of the jurors having trouble getting to her seat and has no objection to making her more comfortable. |
| Tape Counter: 434 | Tim Williams addresses the Court re: specific questions about felonies to 1 or 2 of the witnesses. Court addresses Tim Williams. Tim Williams responds to Court and cites some of the questions she will be asking Tina or Darrell Swett so the State is aware. |
| Tape Counter: 438 | Court addresses Tim Williams re: questioning to the witnesses, cites considerations. Tim Williams addresses the Court re: Swetts as possible confidential informants and previous record. Cites considerations. |
| Tape Counter: 442 | Court addresses Counsel re: to come in at 8:30 am to discuss this case before the Jury arrives. Blaine Cannon addresses the Court re: Stipulating to allowing Tim Williams to ask Tina Swett about her record. Cites considerations. |
| Tape Counter: 445 | Court asks Blaine Cannon to cite that Tina Swett has already plead guilty and Blaine Cannon also cites Darrell Swett has not yet plead in this case. Blaine Cannon continues to address the Court. Blaine Cannon does OBJECT to any questions by Tim Williams concerning drugs and Tina Swett. Blaine Cannon cites he is not aware that Tina and Darrell Swett are not informants. |
| Tape Counter: 448 | Court addresses Blaine Cannon. Blaine Cannon withdraws object. Court cites we will meet at 8:30am tomorrow. Tim Williams addresses the Court and Blaine Cannon to ask if Darrell is or is not going to testify and to clarify the State's objections. Hearing concludes. |

000168

00000000 14:20

Date 3/4/2009
Time 04:19 PM
Page 1 of 9

Fifth Judicial District Court - Cassia County
Minutes Report
Case: CR 2008-0001984
Defendant: Johnson, Dawn M
Selected Items

User: TARA

| | | | |
|------------------|--------------------|--------------------|------------|
| Hearing type | Jury Trial | Minutes date | 03/03/2009 |
| Assigned judge | Michael R Crabtree | Start time | 09:08 AM |
| Court reporter | Denise Schloder | End time | 09:08 AM |
| Minutes clerk | Tara Gunderson | Audio tape number: | |
| Prosecutor | Blaine Cannon | | |
| Defense attorney | Timothy J Williams | | |

Tape Counter: 908

***** JURY TRIAL DAY 2 *****

The defendant is present with Counsel - Timothy Williams

Blaine Cannon is present on behalf of the State of Idaho.

Tape Counter: 909 The Court reviews defense request for line of questioning for witness: Tina Swett.

Tape Counter: 911 Timothy Williams addresses the Court, rephrases the issues to be heard re: criminal history of a witness - Tina Swett.

Tape Counter: 916 Blaine Cannon addresses the Court, does not object to the nature of the felonies being disclosed, does object to the details and disposition being disclosed; has no objection re: misdemeanor case, cites considerations; reviews concerns re: going into details regarding warrant out of Twin Falls, cites considerations.

Tape Counter: 921 Timothy Williams addresses the Court, offers further argument re: defense line of questioning for witness, cites considerations.

Tape Counter: 925 Blaine Cannon objects to the defense questioning witness re: child protection case, cites considerations.

Tape Counter: 926 Timothy Williams responds to the State's objection.

Tape Counter: 927 The Court reviews what it will and will not allow re: Cassia County Felony; Colorado felony, cites considerations.

Tape Counter: 930 The Court DENIES request of defense to be able to inquire of witness re: confidential Informant status, cites considerations.

Tape Counter: 932 The Court addresses counsel re: misdemeanor charge, will not allow the issues re: warrant to be explored.

000169

Date 3/4/2009
Time 04:19 PM
Page 2 of 9

Fifth Judicial District Court - Cassia County

User: TARA

Minutes Report

Case: CR 2008-0001984

Defendant: Johnson, Dawn M

Selected Items

| | |
|--------------------|--|
| Tape Counter: 933 | The Court will not allow the child protection case to be disclosed; cites considerations |
| Tape Counter: 935 | Timothy Williams addresses the Court re: disk. |
| Tape Counter: 936 | Blaine Cannon addresses the Court re: discovery and disk. |
| Tape Counter: 940 | Timothy Williams addresses the Court. |
| | Blaine Cannon responds. |
| Tape Counter: 942 | The Court addresses Counsel re: preliminary jury instructions 1-8. |
| | Counsel have no objections re: instructions. |
| Tape Counter: 942 | The Court addresses Counsel re: switching jury seating. |
| | Juror Curtiss to move to seat 4, and Juror Madden to move to seat 13. |
| Tape Counter: 944 | Court in recess. |
| Tape Counter: 948 | Court resumes. |
| | JURORS ARE PRESENT |
| Tape Counter: 949 | Counsel stipulate jurors are present and in their proper seats. |
| | The Court reads the preliminary jury instructions 1-8 as the jurors follow along in their notebooks. |
| Tape Counter: 1002 | Opening Statement by Blaine Cannon on behalf of the State of Idaho. |
| Tape Counter: 1019 | Opening Statement by Timothy Williams on behalf of the defendant. |
| Tape Counter: 1026 | Blaine Cannon calls the State's # 1 witness - Sylvia Olson. |
| Tape Counter: 1027 | Witness sworn by Clerk. |
| Tape Counter: 1027 | Direct examination of witness by Blaine Cannon on behalf of the State of Idaho. |
| Tape Counter: 1039 | The witness identifies the defendant. |
| Tape Counter: 1045 | OBJECTION by Timothy Williams, cites hearsay. |

The Court OVERRULES the objection.

000170

Date 3/4/2009
Time 04:19 PM
Page 3 of 9

Fifth Judicial District Court - Cassia County
Minutes Report
Case: CR 2008-0001984
Defendant: Johnson, Dawn M
Selected Items

User: TARA

| | |
|--------------------|--|
| Tape Counter: 1046 | The Court admonishes the jurors to not discuss this case amongst themselves or with anyone else during the recess. |
| Tape Counter: 1046 | Court in recess. |
| Tape Counter: 1107 | Court resumes. |
| Tape Counter: 1108 | Counsel stipulate the jurors are present and in their proper seats. The witness Sylvia Olson, returns to the witness seat. |
| Tape Counter: 1109 | Direct examination of the witness by Blaine Cannon continues. |
| Tape Counter: 1125 | Cross examination of witness by Timothy Williams. |
| Tape Counter: 1128 | Timothy Williams presents the witness with a book of photos. The witness reviews the photos. |
| Tape Counter: 1030 | Timothy Williams moves to mark and identify the book of photos as defense exhibit A. The Court grants the identification. |
| Tape Counter: 1134 | Timothy Williams moves to admit Defense Exhibit A. No objection by the State. The Court ADMITS defense exhibit A. Defense exhibit A marked admitted by the clerk. |
| Tape Counter: 1135 | Timothy Williams moves to publish defense exhibit A to the jurors. The Court grants the admission. |

000171

Date 3/4/2009
Time 04:19 PM
Page 4 of 9

Fifth Judicial District Court - Cassia County

User: TARA

Minutes Report

Case: CR 2008-0001984

Defendant: Johnson, Dawn M

Selected Items

| | |
|---|--|
| Tape Counter: 1150 | Timothy Williams moves to have the diagram drawn by the witness marked as Defense Exhibit B. Diagram marked as defense exhibit B. Timothy Williams moves to admit Defense Exhibit B. No objection by the State. The Court ADMITS defense exhibit B. Defense exhibit B marked admitted by the clerk. |
| Tape Counter: 1156 | Redirect examination of the witness by Blaine Cannon. Timothy Williams does not object to the defense exhibit B being altered to show the location of the defendant's car. |
| Tape Counter: 1201 | Nothing further of this witness. The witness steps down. |
| Tape Counter: 1201 | The Court admonishes the jurors to not discuss this case amongst themselves or with anyone else during the recess. |
| Tape Counter: 1201 Tape Counter: 116 | Court in recess. Court resumes. |
| Tape Counter: 117 | Counsel stipulate the jurors are present and in their proper seats. Blaine Cannon calls the State's # 2 witness - Chad Fridol. Witness sworn by Clerk. |
| Tape Counter: 118 | Direct examination of witness by Blaine Cannon on behalf of the State of Idaho. |
| Tape Counter: 128 | Blaine Cannon presents the witness with an exhibit marked as State's Exhibit 101 - picture of Fridal's Sublett Store. |
| Tape Counter: 130 | Blaine Cannon presents the witness with an exhibit marked as State's Exhibit 102 - picture of Fridal's Sublett Store. Blaine Cannon presents the witness with an exhibit marked as State's Exhibit 103 - picture of Fridal's Sublett Store. |

000172

Date 3/4/2009

Time 04:19 PM

Page 5 of 9

Fifth Judicial District Court - Cassia County

Minutes Report

Case CR 2008-0001984

Defendant Johnson, Dawn M

User TARA

Selected Items

| | |
|-------------------|--|
| Tape Counter: 131 | Blaine Cannon presents the witness with exhibits marked as State's Exhibit 104, 105 & 106 - picture of the inside of Fridal's Sublett Store (various views) |
| Tape Counter: 137 | Blaine Cannon presents the witness with an exhibit marked as State's Exhibit 112 - picture of a bag of drugs |
| Tape Counter: 140 | Blaine Cannon moves for the admission of State's exhibits 101 thru 106 & 112. No objection by Timothy Williams on behalf of the defense. The Court ADMITS State's Exhibits 101, 102, 103, 104, 105, 106 & 112. The Clerk marks the exhibits as "admitted". Blaine Cannon moves for the publication of the exhibits to the jurors. No objection by Timothy Williams on behalf of the defense. The Court grants the publication of exhibits to the jurors. |
| Tape Counter: 144 | Cross examination of witness by Timothy Williams. Timothy Williams reviews State's Exhibit # 104 with the witness. Timothy Williams reviews State's Exhibit # 112 with the witness |
| Tape Counter: 157 | Redirect examination of witness by Blaine Cannon |
| Tape Counter: 202 | Timothy Williams request the opportunity to re-cross. The State does not object. |
| Tape Counter: 203 | Recross examination of witness by Timothy Williams. |
| Tape Counter: 204 | Counsel have no further questions for the witness. The witness steps down. |
| Tape Counter: 204 | Blaine Cannon calls the State's # 3 witness - Corp. Andy Hitt. Witness sworn by Clerk. |
| Tape Counter: 205 | Direct examination of witness by Blaine Cannon on behalf of the State of Idaho |

000173

Date 3/4/2009
Time 04:19 PM
Page 6 of 9

Fifth Judicial District Court - Cassia County

User TARA

Minutes Report

Case CR 2008-0001984

Defendant Johnson Dawn M

Selected Items

| | |
|------------------|--|
| Tape Counter 218 | Trooper Hitt reviews his report of the incident. |
| Tape Counter 226 | The witness identifies the defendant. |
| Tape Counter 230 | Objection by Timothy Williams The Court sustains the objection. Blaine Cannon addresses the Court, requests to take an afternoon break. The Court admonishes the jurors to not discuss this case amongst themselves or with anyone else, nor form any opinions regarding this case during the recess. |
| Tape Counter 231 | Court in recess |
| Tape Counter 248 | Court resumes. |
| Tape Counter 251 | Counsel stipulate that the jurors are present and in their proper seats |
| Tape Counter 251 | Direct examination of State's # 3 witness - Trooper Hitt, continues Blaine Cannon presents the witness with an exhibit marked as State's Exhibit # 114 - rubber balloon and green strapping The witness reviews the exhibit. |
| Tape Counter 254 | Blaine Cannon presents the witness with an exhibit marked as State's Exhibit # 115 - clear plastic evidence bag containing shot glass, empty box of syringes, cotton swab, receipt from K-mart, Q-tip, scissors, hair tie and other various items found in the car. The witness reviews the exhibit. |
| Tape Counter 305 | Blaine Cannon moves for the admission of State's Exhibits 114 & 115. No objection by Timothy Williams The Court ADMITS State's Exhibits 114 & 115. The Clerk marks State's Exhibits 114 & 115 as admitted Blaine Cannon moves for the publication of State's Exhibits 114, & 115 to the jurors No objection by Timothy Williams. State's Exhibits 114 & 115 published to the jurors. |

009174

Date 3/4/2009
Time 04:19 PM
Page 7 of 9

Fifth Judicial District Court - Cassia County

User: TARA

Minutes Report

Case: CR 2008-0001984

Defendant: Johnson, Dawn M

Selected Items

Tape Counter: 307 Blaine Cannon presents the witness with an exhibit marked as State's Exhibit # 113 - picture of the inside of the car.

 The witness reviews the exhibit.

Tape Counter: 308 Blaine Cannon moves for the admission of State's Exhibit 113.

 No objection by Timothy Williams.

 The Court ADMITS State's Exhibit 113.

 The Clerk marks State's Exhibit 113 as admitted.

Tape Counter: 311 Blaine Cannon presents the witness with an exhibit marked as State's Exhibit # 116 - a clear plastic evidence bag containing a small plastic bag and State's Exhibit 117 - a clear plastic evidence bag containing brightly colored balloons that were in the sandwich bag.

 The witness reviews State's Exhibits 116 & 117.

Tape Counter: 313 Blaine Cannon moves for the admission of State's Exhibits 116 & 117.

 No objection by Timothy Williams.

 The Court ADMITS State's Exhibits 116 & 117.

 The Clerk marks State's Exhibits 116 & 117 as admitted.

Tape Counter: 315 Blaine Cannon presents the witness with an exhibit marked as State's Exhibit # 118.

 The witness reviews State's Exhibit 118.

Tape Counter: 316 Blaine Cannon moves for the admission of State's Exhibit 118 and with the admission moves for publication of the jurors.

 No objection by Timothy Williams.

 The Court ADMITS State's Exhibit 118.

 The Clerk marks State's Exhibit 118 as admitted.

Tape Counter: 320 Blaine Cannon presents the witness with exhibits marked as State's Exhibit # 120 - lab report re: balloons, # 121 - lab report re: balloons and baggie that contained the white powder substance, & # 122 - lab report re: baggie.

The witness reviews State's Exhibits 120, 121 & 122.

000175

Date 3/4/2009
Time 04:19 PM
Page 8 of 9

Fifth Judicial District Court - Cassia County

User: TARA

Minutes Report

Case: CR 2008-0001984

Defendant: Johnson, Dawn M

Selected Items

Tape Counter: 325 Blaine Cannon moves for the admission of State's exhibits 120, 121 & 122 and with the admission moves for publication to the jurors.

Timothy Williams requests to examine the exhibits.

Tape Counter: 327 No objection by Timothy Williams.

The Court ADMITS State's Exhibits 120, 121, & 122.

The Clerk marks State's Exhibits 120, 121 & 122 as admitted.

Tape Counter: 328 Cross examination of witness by Timothy Williams.

Tape Counter: 346 Objection by Blaine Cannon, beyond the scope of direct examination.

Timothy Williams addresses the Court.

Objection overruled by the Court.

Tape Counter: 347 Cross examination of witness by Timothy Williams continues.

Timothy Williams reviews various exhibits with the witness.

Tape Counter: 406 Redirect examination of witness by Blaine Cannon.

Tape Counter: 410 Blaine Cannon presents the witness with exhibits marked as State's Exhibit # 123 & 124 lab reports.

The witness reviews the exhibits.

Tape Counter: 418 Blaine Cannon moves for the admission of State's exhibits 123, & 124 and with the admission moves for publication to the jurors.

timothy Williams requests to review the exhibits.

No objection by Timothy Williams.

The Court ADMITS State's Exhibits 123 & 124.

The Clerk marks State's Exhibits 123 & 124 as admitted.

Tape Counter: 419 The Court admonishes the jurors to not discuss this case amongst themselves or with anyone else during the evening recess, instructs the jurors to report back on Wednesday, March 04, 2009 at 9:45 a.m.

000176

Date 3/4/2009
Time 04:19 PM
Page 9 of 9

Fifth Judicial District Court - Cassia County

User: TARA

Status Report

Case ID: 2008-0001984

Defendant: Johnson, Dawn M

Selected Items

Tape Counter: 420

Blaine Cannon addresses the Court re: Evidence.

The Court addresses Counsel re: exhibits.

Counsel are to report 10:30 a.m. to review exhibits

Tape Counter: 422

Hearing concludes

000177

2009-04-04 14:20

Date 3/4/2009
Time 04:19 PM
Page 1 of 5

Fifth Judicial District Court - Cassia County
Minutes Report
Case: CR-2008-0001984
Defendant: Johnson, Dawn M
Selected Items

User: TARA

| | | | |
|-------------------|--------------------|--------------------|------------|
| Hearing type: | JURY TRIAL - DAY 3 | Minutes date: | 03/04/2009 |
| Assigned judge: | Michael R Crabtree | Start time: | 09:19 AM |
| Court reporter: | Denise Schloder | End time: | 09:19 AM |
| Minutes clerk: | Tara Gunderson | Audio tape number: | |
| Prosecutor: | Blaine Cannon | | |
| Defense attorney: | Timothy J Williams | | |

| | |
|-------------------|--|
| Tape Counter: 920 | The defendant is present with Counsel. Blaine Cannon is present on behalf of the State of Idaho. Witness Trooper Hitt is on the witness stand. |
| Tape Counter: 921 | Counsel stipulate that the jurors are present and in thier proper seats. |
| Tape Counter: 921 | Re-Direct examination of witness by Blaine Cannon continues. |
| Tape Counter: 923 | The witness steps down. Blaine Cannon calls the State's # 4 witness - Tina Swett. |
| Tape Counter: 923 | Witness sworn by clerk. |
| Tape Counter: 924 | Counsel approach the bench. |
| Tape Counter: 925 | The Court addresses the jurors, cites the jurors will take a brief recess. |
| Tape Counter: 926 | OUTSIDE THE PRESENCE OF THE JURORS |
| Tape Counter: 928 | Timothy Williams addresses the Court re: cautionary instruction re: testimony of witness Tina Swett. Blaine Cannon addresses the Court. |
| Tape Counter: 930 | Court in recess. |
| Tape Counter: 935 | Court resumes. Outside the presence of the jurors. |
| Tape Counter: 935 | Timothy Williams addresses the Court re: CPA |

000178

Date 3/4/2009

Time 04:19 PM

Page 2 of 5

Fifth Judicial District Court - Cassia County

User TARA

Minutes Report

Case CR-2008-0001984

Defendant Johnson, Dawn M

Selected Items

| | |
|--------------------|---|
| Tape Counter: 937 | Timothy Williams examines the witness Tina Swett regarding status of CPA case |
| Tape Counter: 939 | The Court will not allow any questions re |
| | The Court recognizes that Clayne Zollinger (attorney for Tina Swett) is present in the Courtroom |
| Tape Counter: 940 | Court in recess |
| Tape Counter: 944 | Court resumes |
| Tape Counter: 945 | Counsel stipulate that the jurors are present and in thier proper seats |
| Tape Counter: 945 | Direct examination of witness by Blaine Cannon on behalf of the State of Idaho |
| Tape Counter: 952 | The witness identifies the defendant. |
| Tape Counter: 1007 | OBJECTION by Timothy Williams, cites speculation |
| | Blaine Cannon withdraws the question |
| Tape Counter: 1008 | OBJECTION by Timothy Williams |
| | Court OVERRULES objections |
| Tape Counter: 1022 | The Court admonishes the jurors to not discuss this case amongst themselves or with anyone else, nor form any opinions regarding this case during the recess. |
| Tape Counter: 1023 | Court in recess |
| Tape Counter: 1044 | Court resumes |
| Tape Counter: 1049 | Counsel stipulate the jurors are present and in thier proper seats |
| Tape Counter: 1050 | Cross examination of witness by Timothy Williams. |
| Tape Counter: 1053 | Timothy Williams moves the Court to admit defense exhibit C - photo. |
| | No objection by the State |
| | The Court ADMITS Defense Exhibit C |
| | Defense exhibit C marked "admitted" by the Clerk. |

000179

Date 3/4/2009

Time 04:19 PM

Page 3 of 5

Fifth Judicial District Court - Cassia County

Minutes Report

Case CR-2008-0001984

Defendant Johnson, Dawn M

Selected Items

User: TARA

| | |
|--------------------|--|
| Tape Counter: 1055 | Timothy Williams requests to publish defense exhibit C to the jurors. Defense Exhibit C published to the jurors. |
| Tape Counter: 1114 | Re-direct examination of the witness by Blaine Cannon |
| Tape Counter: 1121 | Blaine Cannon moves for the admission of State's Exhibit 125. The Court admits State's Exhibit 125 - photo of Dawn Johnson. The Clerk marks State's Exhibit 125 as admitted. Blaine Cannon requests the exhibit be published to the jurors. State's Exhibit 125 published to the jurors. |
| Tape Counter: 1122 | Timothy Williams requests the witness be subject to recall by the defense. Objection by Blaine Cannon, cites considerations. Timothy Williams addresses the Court. The Court will allow the witness to be subject to recall. |
| Tape Counter: 1124 | Blaine Cannon requests a brief recess. The Court will take an early lunch recess, instructs the jurors to return by 12:45 p.m., instructs the jurors to not discuss this case during the noon recess. |
| Tape Counter: 1126 | Court in recess |
| Tape Counter: 102 | Court resumes |
| Tape Counter: 102 | Blaine Cannon addresses the Court. The Court addresses Counsel. |
| Tape Counter: 103 | The Blaine moves for the admission of State's Exhibits 107, 108, 109, 110, 111. No objection by Timothy Williams. The Court ADMITS State's Exhibits 107, 108, 109, 110 & 111. The Clerk marks State's Exhibits 107, 108, 109, 110 & 111 as admitted. |

000150

Date 3/4/2009
Time 04:19 PM
Page 4 of 5

Fifth Judicial District Court - Cassia County

User: TARA

Minutes Report

Case: CR-2008-0001984

Defendant: Johnson, Dawn M

Selected Items

| | |
|-------------------|--|
| Tape Counter: 105 | Blaine Cannon addresses the Court re: Motion to Suppress and Amendment to information. The Court amends the information. |
| Tape Counter: 107 | Jury Instructions presented to Counsel for review. |
| Tape Counter: 107 | Court in recess. |
| Tape Counter: 113 | Court resumes. |
| Tape Counter: 113 | Blaine Cannon addresses the Court re: instruction # 23; inquires of Court re: verdict form. |
| Tape Counter: 114 | Timothy Williams has a objection to the jury instructions with the changes as cited by Blaine Cannon. |
| Tape Counter: 115 | The State's Jury instructions as submitted on February 03, 2009 will be used. |
| Tape Counter: 116 | Court in recess. |
| Tape Counter: 117 | Court resumes. |
| Tape Counter: 119 | Counsel have no objections to the verdict form. Timothy Williams requests additional language just to make it clearer. |
| Tape Counter: 121 | Court in recess. |
| Tape Counter: 131 | Court resumes. |
| Tape Counter: 132 | The Court reviews change made to the language of the verdict form. Counsel have no objection to the revised verdict form. |
| Tape Counter: 135 | Counsel stipulate that the jurors are present and in their proper seats. |
| Tape Counter: 135 | Blaine Cannon cites the State rests. Timothy Williams cites the Defense rests. |
| Tape Counter: 136 | The Court reads the final jury instructions 9-27. |
| Tape Counter: 151 | Closing argument by Blaine Cannon on behalf of the State of Idaho. |
| Tape Counter: 204 | Closing argument by Timothy Williams on behalf of the defendant. |

000181

Date 3/4/2009
Time 04:19 PM
Page 5 of 5

Fifth Judicial District Court - Cassia County

User TARA

Minutes Report

Case CR-2008-0001984

Defendant Johnson, Dawn M

Selected Items

| | |
|------------------|--|
| Tape Counter 236 | Final closing argument by Blaine Cannon on behalf of the State of Idaho |
| Tape Counter 244 | Alternate juror selected Jonni Whitaker |
| Tape Counter 247 | Oath given to Bailiff |
| Tape Counter 247 | Juror released to deliberate. |
| Tape Counter 248 | Court in recess |
| Tape Counter 409 | Court resumes |
| Tape Counter 411 | Counsel stipulate that the jurors are present and in thier proper seats |
| | The Jurors have reached a verdict. |
| | Verdict presented to the Court. |
| Tape Counter 411 | The Clerk reads the verdict |
| | Count 1 - Guilty of Possession of Heroin, a controlled substance |
| | Count 2 - Guilty of Possession of Cocaine, a controlled substance |
| | Count 3 - Guilty of Possession of Paraphernalia with Intent to Use |
| Tape Counter 413 | Counsel do not wish to have the jurors polled. |
| | The Court addresses the jurors, thanks them for thier service and excuses them |
| Tape Counter 415 | The Court excuses the jurors |
| Tape Counter 416 | PSI Interview set for Tuesday, March 10, 2009 at 10:00 a.m. |
| | - Substance Abuse Evaluation |
| | - Mental Health Evaluation |
| | Sentencing set for May 19, 2009 at 1:30 p.m. |
| Tape Counter 417 | The defendant advised of her right to appeal |
| | The defendant remanded to the custody of the sheriff |
| Tape Counter 417 | Hearing concludes |

000182